

106TH CONGRESS  
1ST SESSION

# H. R. 1000

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IN THE SENATE OF THE UNITED STATES

JUNE 16, 1999

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Aviation Investment and Reform Act for the 21st Cen-  
 4 tury”.

5 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.
- Sec. 4. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

- Sec. 101. Airport improvement program.
- Sec. 102. Airway facilities improvement program.
- Sec. 103. FAA operations.
- Sec. 104. AIP formula changes.
- Sec. 105. Passenger facility fees.
- Sec. 106. Budget submission.

Subtitle B—Airport Development

- Sec. 121. Runway incursion prevention devices; emergency call boxes.
- Sec. 122. Windshear detection equipment.
- Sec. 123. Enhanced vision technologies.
- Sec. 124. Pavement maintenance.
- Sec. 125. Competition plans.
- Sec. 126. Matching share.
- Sec. 127. Letters of intent.
- Sec. 128. Grants from small airport fund.
- Sec. 129. Discretionary use of unused apportionments.
- Sec. 130. Designating current and former military airports.
- Sec. 131. Contract tower cost-sharing.
- Sec. 132. Innovative use of airport grant funds.
- Sec. 133. Aviation security program.
- Sec. 134. Inherently low-emission airport vehicle pilot program.
- Sec. 135. Technical amendments.
- Sec. 136. Conveyances of airport property for public airports.
- Sec. 137. Intermodal connections.
- Sec. 138. State block grant program.
- Sec. 139. Engineered materials arresting systems.

Subtitle C—Miscellaneous

- Sec. 151. Treatment of certain facilities as airport-related projects.
- Sec. 152. Terminal development costs.
- Sec. 153. General facilities authority.
- Sec. 154. Denial of airport access to certain air carriers.
- Sec. 155. Construction of runways.
- Sec. 156. Use of recycled materials.

- Sec. 157. Aircraft noise primarily caused by military aircraft.
- Sec. 158. Timely announcement of grants.

## TITLE II—AIRLINE SERVICE IMPROVEMENTS

### Subtitle A—Service to Airports Not Receiving Sufficient Service

- Sec. 201. Access to high density airports.
- Sec. 202. Funding for air carrier service to airports not receiving sufficient service.
- Sec. 203. Waiver of local contribution.
- Sec. 204. Policy for air service to rural areas.
- Sec. 205. Determination of distance from hub airport.

### Subtitle B—Regional Air Service Incentive Program

- Sec. 211. Establishment of regional air service incentive program.

## TITLE III—FAA MANAGEMENT REFORM

- Sec. 301. Air traffic control system defined.
- Sec. 302. Air Traffic Control Oversight Board.
- Sec. 303. Chief Operating Officer.
- Sec. 304. Federal Aviation Management Advisory Council.
- Sec. 305. Environmental streamlining.
- Sec. 306. Clarification of regulatory approval process.
- Sec. 307. Independent study of FAA costs and allocations.
- Sec. 308. Failure to meet rulemaking deadline.
- Sec. 309. Federal Procurement Integrity Act.

## TITLE IV—FAMILY ASSISTANCE

- Sec. 401. Responsibilities of National Transportation Safety Board.
- Sec. 402. Air carrier plans.
- Sec. 403. Foreign air carrier plans.
- Sec. 404. Applicability of Death on the High Seas Act.

## TITLE V—SAFETY

- Sec. 501. Cargo collision avoidance systems deadlines.
- Sec. 502. Records of employment of pilot applicants.
- Sec. 503. Whistleblower protection for FAA employees.
- Sec. 504. Safety risk mitigation programs.
- Sec. 505. Flight operations quality assurance rules.
- Sec. 506. Small airport certification.
- Sec. 507. Life-limited aircraft parts.
- Sec. 508. FAA may fine unruly passengers.
- Sec. 509. Report on air transportation oversight system.
- Sec. 510. Airplane emergency locators.
- Sec. 511. Landfills interfering with air commerce.
- Sec. 512. Amendment of statute prohibiting the bringing of hazardous substances aboard an aircraft.
- Sec. 513. Airport safety needs.
- Sec. 514. Limitation on entry into maintenance implementation procedures.
- Sec. 515. Occupational injuries of airport workers.
- Sec. 516. Airport dispatchers.
- Sec. 517. Improved training for airframe and powerplant mechanics.

## TITLE VI—WHISTLEBLOWER PROTECTION

- Sec. 601. Protection of employees providing air safety information.
- Sec. 602. Civil penalty.

## TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Duties and powers of Administrator.
- Sec. 702. Public aircraft.
- Sec. 703. Prohibition on release of offeror proposals.
- Sec. 704. Multiyear procurement contracts.
- Sec. 705. Federal Aviation Administration personnel management system.
- Sec. 706. Nondiscrimination in airline travel.
- Sec. 707. Joint venture agreement.
- Sec. 708. Extension of war risk insurance program.
- Sec. 709. General facilities and personnel authority.
- Sec. 710. Implementation of article 83 bis of the Chicago Convention.
- Sec. 711. Public availability of airmen records.
- Sec. 712. Appeals of emergency revocations of certificates.
- Sec. 713. Government and industry consortia.
- Sec. 714. Passenger manifest.
- Sec. 715. Cost recovery for foreign aviation services.
- Sec. 716. Technical corrections to civil penalty provisions.
- Sec. 717. Waiver under Airport Noise and Capacity Act.
- Sec. 718. Metropolitan Washington Airport Authority.
- Sec. 719. Acquisition management system.
- Sec. 720. Centennial of Flight Commission.
- Sec. 721. Aircraft situational display data.
- Sec. 722. Elimination of backlog of equal employment opportunity complaints.
- Sec. 723. Newport News, Virginia.
- Sec. 724. Grant of easement, Los Angeles, California.
- Sec. 725. Regulation of Alaska guide pilots.
- Sec. 726. Aircraft repair and maintenance advisory panel.
- Sec. 727. Operations of air taxi industry.
- Sec. 728. Sense of the Congress concerning completion of comprehensive national airspace redesign.
- Sec. 729. Compliance with requirements.
- Sec. 730. Aircraft noise levels at airports.
- Sec. 731. FAA consideration of certain State proposals.
- Sec. 732. Cincinnati-Municipal Blue Ash Airport.
- Sec. 733. Aircraft and aircraft parts for use in responding to oil spills.
- Sec. 734. Discriminatory practices by computer reservations systems outside the United States.
- Sec. 735. Alkali silica reactivity distress.
- Sec. 736. Procurement of private enterprise mapping, charting, and geographic information systems.
- Sec. 737. Land use compliance report.
- Sec. 738. National transportation data center of excellence.
- Sec. 739. Monroe Regional Airport land conveyance.
- Sec. 740. Automated weather forecasting systems.
- Sec. 741. Noise study of Sky Harbor Airport, Phoenix, Arizona.
- Sec. 742. Nonmilitary helicopter noise.

## TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

- Sec. 801. Short title.

- Sec. 802. Findings.
- Sec. 803. Air tour management plans for national parks.
- Sec. 804. Advisory group.
- Sec. 805. Reports.
- Sec. 806. Methodologies used to assess air tour noise.
- Sec. 807. Exemptions.
- Sec. 808. Definitions.

#### TITLE IX—TRUTH IN BUDGETING

- Sec. 901. Short title.
- Sec. 902. Budgetary treatment of Airport and Airway Trust Fund.
- Sec. 903. Safeguards against deficit spending out of Airport and Airway Trust Fund.
- Sec. 904. Adjustments to discretionary spending limits.
- Sec. 905. Applicability.

#### TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

- Sec. 1001. Adjustment of trust fund authorizations.
- Sec. 1002. Budget estimates.
- Sec. 1003. Sense of the Congress on fully offsetting increased aviation spending.

#### TITLE XI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

- Sec. 1101. Extension of expenditure authority.

### 1    **SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

2            Except as otherwise specifically provided, whenever in  
3 this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or repeal of, a section or other provi-  
5 sion of law, the reference shall be considered to be made  
6 to a section or other provision of title 49, United States  
7 Code.

### 8    **SEC. 3. APPLICABILITY.**

9            Except as otherwise specifically provided, this Act  
10 and the amendments made by this Act shall apply only  
11 to fiscal years beginning after September 30, 1999.

1 **SEC. 4. ADMINISTRATOR DEFINED.**

2 In this Act, the term “Administrator” means the Ad-  
3 ministrator of the Federal Aviation Administration.

4 **TITLE I—AIRPORT AND AIRWAY**  
5 **IMPROVEMENTS**  
6 **Subtitle A—Funding**

7 **SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
9 48103 is amended by striking “shall be” the last place  
10 it appears and all that follows through the period at the  
11 end and inserting the following: “shall be—

- 12 “(1) \$2,410,000,000 for fiscal year 1999;  
13 “(2) \$2,475,000,000 for fiscal year 2000;  
14 “(3) \$4,000,000,000 for fiscal year 2001;  
15 “(4) \$4,100,000,000 for fiscal year 2002;  
16 “(5) \$4,250,000,000 for fiscal year 2003; and  
17 “(6) \$4,350,000,000 for fiscal year 2004.”.

18 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)  
19 is amended by striking “After” and all that follows  
20 through “1999,” and inserting “After September 30,  
21 2004,”.

22 **SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.**

23 (a) GENERAL AUTHORIZATION AND APPROPRIA-  
24 TIONS.—Effective September 30, 1999, section 48101(a)  
25 is amended by striking paragraphs (1), (2), and (3) and  
26 inserting the following:

1           “(1) Such sums as may be necessary for fiscal  
2       year 2000.

3           “(2) \$2,500,000,000 for fiscal year 2001.

4           “(3) \$3,000,000,000 for each of fiscal years  
5       2002 through 2004.”.

6       (b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is  
7       amended by adding at the end the following:

8           “(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts  
9       appropriated under subsection (a) for fiscal year 2001,  
10      \$8,000,000 may be used for the voluntary purchase and  
11      installation of universal access systems.”.

12      (c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS  
13      SYSTEM.—Section 48101 is further amended by adding  
14      at the end the following:

15           “(e) ALASKA NATIONAL AIR SPACE COMMUNICA-  
16      TIONS SYSTEM.—Of the amounts appropriated under sub-  
17      section (a) for fiscal year 2001, \$7,200,000 may be used  
18      by the Administrator for the Alaska National Air Space  
19      Interfacility Communications System if the Administrator  
20      issues a report supporting the use of such funds for the  
21      System.”.

22      (d) AUTOMATED SURFACE OBSERVATION SYSTEM/  
23      AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—  
24      Section 48101 is further amended by adding at the end  
25      the following:

1       “(f) AUTOMATED SURFACE OBSERVATION SYSTEM/  
 2 AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—  
 3 Of the amounts appropriated under subsection (a) for fis-  
 4 cal years beginning after September 30, 2000, such sums  
 5 as may be necessary for the implementation and use of  
 6 upgrades to the current automated surface observation  
 7 system/automated weather observing system, if the up-  
 8 grade is successfully demonstrated.”.

9   **SEC. 103. FAA OPERATIONS.**

10       (a) AUTHORIZATION OF APPROPRIATIONS FROM  
 11 GENERAL FUND.—Effective September 30, 1999, section  
 12 106(k) is amended—

13               (1) by inserting “(1) IN GENERAL.—” before  
 14       “‘There’”;

15               (2) in paragraph (1) (as designated by para-  
 16 graph (1) of this subsection) by striking “the Ad-  
 17 ministration” and all that follows through the period  
 18 at the end and inserting the following: “the  
 19 Administration—

20                       “(A) such sums as may be necessary for  
 21       fiscal year 2000;

22                       “(B) \$6,450,000,000 for fiscal year 2001;

23                       “(C) \$6,886,000,000 for fiscal year 2002;

24                       “(D) \$7,357,000,000 for fiscal year 2003;

25                       and



1           “(E) \$7,860,000,000 for fiscal year  
2           2004.”;

3           (3) by adding at the end the following:

4           “(2) AUTHORIZED EXPENDITURES.—Of the  
5           amounts appropriated under paragraph (1) for fiscal  
6           years 2001 through 2004—

7           “(A) \$450,000 per fiscal year may be used  
8           for wildlife hazard mitigation measures and  
9           management of the wildlife strike database of  
10          the Federal Aviation Administration;

11          “(B) such sums as may be necessary may  
12          be used to fund an office within the Federal  
13          Aviation Administration dedicated to supporting  
14          infrastructure systems development for both  
15          general aviation and the vertical flight industry;

16          “(C) such sums as may be necessary may  
17          be used to revise existing terminal and en route  
18          procedures and instrument flight rules to facili-  
19          tate the takeoff, flight, and landing of tiltrotor  
20          aircraft and to improve the national airspace  
21          system by separating such aircraft from con-  
22          gested flight paths of fixed-wing aircraft;

23          “(D) such sums as may be necessary may  
24          be used to establish helicopter approach proce-  
25          dures using current technologies (such as the

1 Global Positioning System) to support all-  
2 weather, emergency medical service for trauma  
3 patients;

4 “(E) \$3,000,000 per fiscal year may be  
5 used to implement the 1998 airport surface op-  
6 erations safety action plan of the Federal Avia-  
7 tion Administration;

8 “(F) \$2,000,000 per fiscal year may be  
9 used to support a university consortium estab-  
10 lished to provide an air safety and security  
11 management certificate program, working coop-  
12 eratively with United States air carriers; except  
13 that funds under this subparagraph—

14 “(i) may not be used for the construc-  
15 tion of a building or other facility; and

16 “(ii) may only be awarded on the  
17 basis of open competition;

18 “(G) such sums as may be necessary may  
19 be used to develop or improve training pro-  
20 grams (including model training programs and  
21 curriculum) for security screeners at airports;  
22 and

23 “(H) such sums as may be necessary for  
24 the Secretary to hire additional inspectors in

1           order to enhance air cargo security programs.”;  
2           and

3           (4) by indenting paragraph (1) (as designated  
4           by paragraph (1) of this subsection) and aligning  
5           such paragraph (1) with paragraph (2) (as added by  
6           paragraph (2) of this subsection).

7           (b) AUTHORIZATION OF APPROPRIATIONS FROM  
8 TRUST FUND.—Section 48104 is amended—

9           (1) by striking subsection (b) and redesignating  
10          subsection (c) as subsection (b);

11          (2) in subsection (b) (as so redesignated)—

12                (A) by striking the subsection heading and  
13                inserting “GENERAL RULE: LIMITATION ON  
14                TRUST FUND AMOUNTS.—”; and

15                (B) in the matter preceding paragraph  
16          (1)—

17                       (i) by striking “The amount” and in-  
18                       serting “Except as provided in subsection  
19                       (c), the amount”; and

20                       (ii) by striking “for each of fiscal  
21                       years 1994 through 1998” and inserting  
22                       “for fiscal year 2000 and each fiscal year  
23                       thereafter”; and

24          (3) by adding at the end the following:

1       “(c) SPECIAL RULE FOR FISCAL YEARS 2000–  
2 2004.—

3               “(1) IN GENERAL.—If the amount appropriated  
4       under section 106(k) for any of fiscal years 2000  
5       through 2004 less the amount that would be appro-  
6       priated, but for this subsection, from the Trust  
7       Fund for the purposes of paragraphs (1) and (2) of  
8       subsection (a) for such fiscal year is greater than  
9       the general fund cap, the amount appropriated from  
10      the Trust Fund for the purposes of paragraphs (1)  
11      and (2) of subsection (a) for such fiscal year shall  
12      equal the amount appropriated under section 106(k)  
13      for such fiscal year less the general fund cap.

14              “(2) GENERAL FUND CAP DEFINED.—In this  
15      subsection, the term ‘general fund cap’ means that  
16      portion of the amounts appropriated for programs of  
17      the Federal Aviation Administration for fiscal year  
18      1998 that was derived from the general fund of the  
19      Treasury.

20      (c) LIMITATION ON OBLIGATING OR EXPENDING  
21 AMOUNTS.—Section 48108 is amended by striking sub-  
22 section (c).

23      (d) OFFICE OF AIRLINE INFORMATION.—There is  
24 authorized to be appropriated from the Airport and Air-  
25 way Trust Fund to the Secretary \$4,000,000 for fiscal

1 years beginning after September 30, 2000, to fund the ac-  
 2 tivities of the Office of Airline Information in the Bureau  
 3 of Transportation Statistics of the Department of Trans-  
 4 portation.

5 **SEC. 104. AIP FORMULA CHANGES.**

6 (a) DISCRETIONARY FUND.—Section 47115 is  
 7 amended by striking subsections (g) and (h) and inserting  
 8 the following:

9 “(g) PRIORITY FOR LETTERS OF INTENT.—

10 “(1) IN GENERAL.—Subject to paragraph (2),  
 11 the Secretary shall fulfill intentions to obligate under  
 12 section 47110(e) with amounts available in the fund  
 13 established by subsection (a) and, if such amounts  
 14 are not sufficient for a fiscal year, with amounts  
 15 made available to carry out sections 47114(c)(1)(A),  
 16 47114(c)(2), 47114(d), and 47117(e) on a pro rata  
 17 basis.

18 “(2) PROCEDURE.—Before apportioning funds  
 19 under sections 47114(c)(1)(A), 47114(c)(2),  
 20 47114(d), and 47117(e) of each fiscal year, the Sec-  
 21 retary shall determine the amount of funds that will  
 22 be necessary to fulfill intentions to obligate under  
 23 section 47110(e) in such fiscal year. If such amount  
 24 is greater than the amount of funds that will be  
 25 available in the fund established by subsection (a)

1 for such fiscal year, the Secretary shall reduce the  
2 amount to be apportioned under such sections for  
3 such fiscal year on a pro rata basis by an amount  
4 equal to the difference.”.

5 (b) AMOUNTS APPORTIONED TO SPONSORS.—

6 (1) AMOUNTS TO BE APPORTIONED.—Effective  
7 October 1, 2000, section 47114(c)(1) is amended—

8 (A) in subparagraph (A) by striking  
9 clauses (i) through (v) and inserting the fol-  
10 lowing:

11 “(i) \$23.40 for each of the first 50,000 pas-  
12 senger boardings at the airport during the prior cal-  
13 endar year;

14 “(ii) \$15.60 for each of the next 50,000 pas-  
15 senger boardings at the airport during the prior cal-  
16 endar year;

17 “(iii) \$7.80 for each of the next 400,000 pas-  
18 senger boardings at the airport during the prior cal-  
19 endar year;

20 “(iv) \$1.95 for each of the next 500,000 pas-  
21 senger boardings at the airport during the prior cal-  
22 endar year; and

23 “(v) \$1.50 for each additional passenger board-  
24 ing at the airport during the prior calendar year.”;  
25 and

1 (B) in subparagraph (B) by striking  
2 “\$500,000 nor more than \$22,000,000” and in-  
3 serting “\$1,500,000”.

4 (2) SPECIAL RULES.—Section 47114(c)(1) is  
5 amended by adding at the end the following:

6 “(C) Notwithstanding subparagraph (A), the Sec-  
7 retary shall apportion to an airport sponsor in a fiscal year  
8 an amount equal to the amount apportioned to that spon-  
9 sor in the previous fiscal year if the Secretary finds that—

10 “(i) passenger boardings at the airport were  
11 less than 10,000 in the calendar year used to cal-  
12 culate the apportionment;

13 “(ii) the airport had at least 10,000 passenger  
14 boardings in the calendar year prior to the calendar  
15 year used to calculate the apportionment; and

16 “(iii) the cause of the decrease in passenger  
17 boardings was a temporary but significant interrup-  
18 tion in service by an air carrier to that airport due  
19 to an employment action, natural disaster, or other  
20 event unrelated to the demand for air transportation  
21 at the airport.

22 “(D) Notwithstanding subparagraph (A), the Sec-  
23 retary shall apportion on the first day of the first fiscal  
24 year following the official opening of a new airport with  
25 scheduled passenger air transportation an amount equal

1 to the minimum amount set forth in subparagraph (B)  
2 to the sponsor of such airport.”.

3 (c) CARGO ONLY AIRPORTS.—Section  
4 47114(c)(2)(A) is amended by striking “2.5 percent” and  
5 inserting “3 percent”.

6 (d) ENTITLEMENT FOR GENERAL AVIATION AIR-  
7 PORTS.—Effective October 1, 2000, section 47114(d) is  
8 amended—

9 (1) in the subsection heading by striking “TO  
10 STATES” and inserting “FOR GENERAL AVIATION  
11 AIRPORTS”;

12 (2) in paragraph (1) by striking “(1) In this”  
13 and inserting “(1) DEFINITIONS.—In this”;

14 (3) by indenting paragraph (1) and aligning  
15 paragraph (1) (and its subparagraphs) with para-  
16 graph (2) (as amended by paragraph (2) of this sub-  
17 section); and

18 (4) by striking paragraph (2) and inserting the  
19 following:

20 “(2) APPORTIONMENTS.—The Secretary shall  
21 apportion 20 percent of the amount subject to ap-  
22 portionment for each fiscal year as follows:

23 “(A) To each airport, excluding primary  
24 airports but including reliever and nonprimary



1 commercial service airports, in States the lesser  
2 of—

3 “(i) \$200,000; or

4 “(ii)  $\frac{1}{5}$  of the most recently published  
5 estimate of the 5-year costs for airport im-  
6 provement for the airport, as listed in the  
7 national plan of integrated airport systems  
8 developed by the Federal Aviation Admin-  
9 istration under section 47103.

10 “(B) Any remaining amount to States as  
11 follows:

12 “(i) 0.62 percent of the remaining  
13 amount to Guam, American Samoa, the  
14 Commonwealth of the Northern Mariana  
15 Islands, and the Virgin Islands.

16 “(ii) Except as provided in paragraph  
17 (3), 49.69 percent of the remaining  
18 amount for airports, excluding primary air-  
19 ports but including reliever and nonpri-  
20 mary commercial service airports, in States  
21 not named in clause (i) in the proportion  
22 that the population of each of those States  
23 bears to the total population of all of those  
24 States.

1                   “(iii) Except as provided in paragraph  
2                   (3), 49.69 percent of the remaining  
3                   amount for airports, excluding primary air-  
4                   ports but including reliever and nonpri-  
5                   mary commercial service airports, in States  
6                   not named in clause (i) in the proportion  
7                   that the area of each of those States bears  
8                   to the total area of all of those States.”.

9           (e) USE OF APPORTIONMENTS FOR ALASKA, PUERTO  
10 RICO, AND HAWAII.—Section 47114(d)(3) is amended to  
11 read as follows:

12                   “(3) SPECIAL RULE.—An amount apportioned  
13                   under paragraph (2) to Alaska, Puerto Rico, or Ha-  
14                   waii for airports in such State may be made avail-  
15                   able by the Secretary for any public airport in those  
16                   respective jurisdictions.”.

17           (f) USE OF STATE-APPORTIONED FUNDS FOR SYS-  
18 TEM PLANNING.—Section 47114(d) is amended by adding  
19 at the end the following:

20                   “(4) INTEGRATED AIRPORT SYSTEM PLAN-  
21                   NING.—Notwithstanding paragraph (2), funds made  
22                   available under this subsection may be used for inte-  
23                   grated airport system planning that encompasses  
24                   one or more primary airports.”.

1 (g) FLEXIBILITY IN PAVEMENT CONSTRUCTION  
2 STANDARDS.—

3 Section 47114(d) is further amended by adding at  
4 the end the following:

5 “(5) FLEXIBILITY IN PAVEMENT CONSTRUC-  
6 TION STANDARDS.—The Secretary may permit the  
7 use of State highway specifications for airfield pave-  
8 ment construction using funds made available under  
9 this subsection at nonprimary airports serving air-  
10 craft that do not exceed 60,000 pounds gross weight  
11 if the Secretary determines that—

12 “(A) safety will not be negatively affected;  
13 and

14 “(B) the life of the pavement will not be  
15 shorter than it would be if constructed using  
16 Federal Aviation Administration standards.”.

17 (h) GRANTS FOR AIRPORT NOISE COMPATIBILITY  
18 PLANNING.—Section 47117(e)(1) is amended—

19 (1) in subparagraph (A)—

20 (A) by striking “31 percent” each place it  
21 appears and inserting “34 percent”;

22 (B) in the first sentence by striking “and  
23 for carrying out” and inserting “, for carrying  
24 out”; and

1 (C) by striking the period at the end of the  
2 first sentence and inserting the following: “,  
3 and for noise mitigation projects approved in  
4 the environmental record of decision for an air-  
5 port development project under this chapter.”;  
6 and

7 (2) in subparagraph (B) by striking “At least”  
8 and all that follows through “sponsors of current”  
9 and inserting “At least 4 percent to sponsors of cur-  
10 rent”.

11 (i) SUPPLEMENTAL APPORTIONMENT FOR ALAS-  
12 KA.—Effective October 1, 2000, section 47114(e) is  
13 amended—

14 (1) in the subsection heading by striking “AL-  
15 TERNATIVE” and inserting “SUPPLEMENTAL”;

16 (2) in paragraph (1)—

17 (A) by striking “Instead of apportioning  
18 amounts for airports in Alaska under” and in-  
19 serting “IN GENERAL.—Notwithstanding”;

20 (B) by striking “those airports” and in-  
21 serting “airports in Alaska”; and

22 (C) by inserting before the period at the  
23 end of the first sentence “and by increasing the  
24 amount so determined for each of those airports  
25 by three times”;

1           (3) in paragraph (2) by inserting “AUTHORITY  
2       FOR DISCRETIONARY GRANTS.—” before “This sub-  
3       section”;

4           (4) by striking paragraph (3) and inserting the  
5       following:

6           “(3) AIRPORTS ELIGIBLE FOR FUNDS.—An  
7       amount apportioned under this subsection may be  
8       used for any public airport in Alaska.”; and

9           (5) by indenting paragraph (1) and aligning  
10      paragraph (1) (and its subparagraphs) and para-  
11      graph (2) with paragraph (3) (as amended by para-  
12      graph (4) of this subsection).

13      (j) REPEAL OF APPORTIONMENT LIMITATION ON  
14      COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section  
15      47117 is amended by striking subsection (f) and by redes-  
16      ignating subsections (g) and (h) as subsections (f) and (g),  
17      respectively.

18      **SEC. 105. PASSENGER FACILITY FEES.**

19      (a) AUTHORITY TO IMPOSE HIGHER FEE.—Section  
20      40117(b) is amended by adding at the end the following:

21      “(4) Notwithstanding paragraph (1), the Secretary  
22      may authorize under this section an eligible agency to im-  
23      pose a passenger facility fee in whole dollar amounts of  
24      more than \$3 on each paying passenger of an air carrier  
25      or foreign air carrier boarding an aircraft at an airport

1 the agency controls to finance an eligible airport-related  
2 project, including making payments for debt service on in-  
3 debtedness incurred to carry out the project, if the Sec-  
4 retary finds—

5 “(A) that the project will make a significant  
6 contribution to improving air safety and security, in-  
7 creasing competition among air carriers, reducing  
8 current or anticipated congestion, or reducing the  
9 impact of aviation noise on people living near the  
10 airport;

11 “(B) that the project cannot be paid for from  
12 funds reasonably expected to be available for the  
13 programs referred to in section 48103; and

14 “(C) that the amount to be imposed is not more  
15 than twice that which may be imposed under para-  
16 graph (1).”.

17 (b) LIMITATION ON APPROVAL OF CERTAIN APPLI-  
18 CATIONS.—Section 40117(d) is amended—

19 (1) by striking “and” at the end of paragraph  
20 (2);

21 (2) by striking the period at the end of para-  
22 graph (3) and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(4) in the case of an application to impose a  
25 fee of more than \$3 for a surface transportation or

1 terminal project, the agency has made adequate pro-  
2 vision for financing the airside needs of the airport,  
3 including runways, taxiways, aprons, and aircraft  
4 gates.”.

5 (c) REDUCING APPORTIONMENTS.—Section 47114(f)  
6 is amended—

7 (1) by striking “An amount” and inserting the  
8 following:

9 “(1) IN GENERAL.—An amount”;

10 (2) by striking “an amount equal to” and all  
11 that follows through the period at the end and in-  
12 serting the following: “an amount equal to—

13 “(A) in the case of a fee of \$3 or less, 50  
14 percent of the projected revenues from the fee  
15 in the fiscal year but not by more than 50 per-  
16 cent of the amount that otherwise would be ap-  
17 portioned under this section; and

18 “(B) in the case of a fee of more than \$3,  
19 75 percent of the projected revenues from the  
20 fee in the fiscal year but not by more than 75  
21 percent of the amount that otherwise would be  
22 apportioned under this section.”; and

23 (3) by adding at the end the following:

24 “(2) EFFECTIVE DATE OF REDUCTION.—A re-  
25 duction in an apportionment required by paragraph

1 (1) shall not take effect until the first fiscal year fol-  
2 lowing the year in which the collection of the fee im-  
3 posed under section 40117 is begun.”.

4 **SEC. 106. BUDGET SUBMISSION.**

5 The Administrator shall transmit to the Committee  
6 on Commerce, Science, and Transportation of the Senate  
7 and the Committee on Transportation and Infrastructure  
8 of the House of Representatives a copy of the annual  
9 budget estimates of the Federal Aviation Administration,  
10 including line item justifications, at the same time the an-  
11 nual budget estimates are submitted to the Committees  
12 on Appropriations of the Senate and the House of Rep-  
13 resentatives.

14 **Subtitle B—Airport Development**

15 **SEC. 121. RUNWAY INCURSION PREVENTION DEVICES;**  
16 **EMERGENCY CALL BOXES.**

17 (a) POLICY.—Section 47101(a)(11) is amended by  
18 inserting “(including integrated in-pavement lighting sys-  
19 tems for runways and taxiways and other runway and  
20 taxiway incursion prevention devices)” after “technology”.

21 (b) MAXIMUM USE OF SAFETY FACILITIES.—Section  
22 47101(f) is amended—

23 (1) by striking “and” at the end of paragraph  
24 (9); and



1 (2) by striking the period at the end of para-  
2 graph (10) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(11) runway and taxiway incursion prevention  
5 devices, including integrated in-pavement lighting  
6 systems for runways and taxiways.”.

7 (c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND  
8 EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—  
9 Section 47102(3)(B) is amended—

10 (1) in clause (ii)—

11 (A) by striking “and universal access sys-  
12 tems,” and inserting “, universal access sys-  
13 tems, and emergency call boxes,”; and

14 (B) by inserting “and integrated in-pave-  
15 ment lighting systems for runways and taxiways  
16 and other runway and taxiway incursion pre-  
17 vention devices” before the semicolon at the  
18 end; and

19 (2) by inserting before the semicolon at the end  
20 of clause (iii) the following: “, including closed cir-  
21 cuit weather surveillance equipment”.

22 **SEC. 122. WINDSHEAR DETECTION EQUIPMENT.**

23 Section 47102(3)(B) is further amended—

24 (1) by striking “and” at the end of clause (v);

1 (2) by striking the period at the end of clause

2 (vi) and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(vii) windshear detection equip-  
5 ment;”.

6 **SEC. 123. ENHANCED VISION TECHNOLOGIES.**

7 (a) STUDY.—The Administrator shall conduct a  
8 study of the feasibility of requiring United States airports  
9 to install enhanced vision technologies to replace or en-  
10 hance conventional landing light systems over the 10-year  
11 period following the date of completion of such study.

12 (b) REPORT.—Not later than 180 days after the date  
13 of the enactment of this Act, the Administrator shall  
14 transmit to Congress a report on the results of the study  
15 conducted under subsection (a), together with such rec-  
16 ommendations as the Administrator considers appropriate.

17 (c) INCLUSION OF INSTALLATION AS AIRPORT DE-  
18 VELOPMENT.—Section 47102 is amended—

19 (1) in paragraph (3)(B) (as amended by this  
20 Act) by adding at the end the following:

21 “(viii) enhanced vision technologies  
22 that are certified by the Administrator of  
23 the Federal Aviation Administration and  
24 that are intended to replace or enhance

1 conventional landing light systems; and”;  
2 and

3 (2) by adding at the end the following:

4 “(21) ENHANCED VISION TECHNOLOGIES.—The  
5 term ‘enhanced vision technologies’ means laser  
6 guidance, ultraviolet guidance, infrared, and cold  
7 cathode technologies.”.

8 (d) CERTIFICATION.—Not later than 180 days after  
9 the date of the enactment of this Act, the Administrator  
10 shall transmit to Congress a schedule for deciding whether  
11 or not to certify laser guidance equipment for use as ap-  
12 proach lighting at United States airports and of cold cath-  
13 ode lighting equipment for use as runway and taxiway  
14 lighting at United States airports and as lighting at  
15 United States heliports.

16 **SEC. 124. PAVEMENT MAINTENANCE.**

17 (a) REPEAL OF PILOT PROGRAM.—

18 (1) IN GENERAL.—Section 47132 is repealed.

19 (2) CONFORMING AMENDMENT.—The analysis  
20 for chapter 471 is amended by striking the item re-  
21 lating to section 47132.

22 (b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Sec-  
23 tion 47102(3) is amended by adding at the end the fol-  
24 lowing:

1           “(H) routine work to preserve and extend  
2           the useful life of runways, taxiways, and aprons  
3           at airports that are not primary airports, under  
4           guidelines issued by the Administrator.”.

5 **SEC. 125. COMPETITION PLANS.**

6           (a) IN GENERAL.—Section 47106 is amended by  
7 adding at the end the following:

8           “(f) COMPETITION PLANS.—

9           “(1) PROHIBITION.—Beginning in fiscal year  
10          2001, no passenger facility fee may be approved for  
11          a covered airport under section 40117 and no grant  
12          may be made under this subchapter for a covered  
13          airport unless the airport has submitted to the Sec-  
14          retary a written competition plan in accordance with  
15          this subsection.

16          “(2) CONTENTS.—A competition plan under  
17          this subsection shall include information on the  
18          availability of airport gates and related facilities,  
19          leasing and sub-leasing arrangements, gate-use re-  
20          quirements, patterns of air service, gate-assignment  
21          policy, financial constraints, airport controls over  
22          air- and ground-side capacity, whether the airport  
23          intends to build or acquire gates that would be used  
24          as common facilities, and airfare levels (as compiled

1 by the Department of Transportation) compared to  
2 other large airports.

3 “(3) COVERED AIRPORT DEFINED.—In this  
4 subsection, the term ‘covered airport’ means a com-  
5 mercial service airport—

6 “(A) that has more than .25 percent of the  
7 total number of passenger boardings each year  
8 at all such airports; and

9 “(B) at which one or two air carriers con-  
10 trol more than 50 percent of the passenger  
11 boardings.”.

12 (b) CROSS REFERENCE.—Section 40117 is amended  
13 by adding at the end the following:

14 “(j) COMPETITION PLANS.—Beginning in fiscal year  
15 2001, no eligible agency may impose a passenger facility  
16 fee under this section with respect to a covered airport  
17 (as such term is defined in section 47106(f)) unless the  
18 agency has submitted to the Secretary a written competi-  
19 tion plan in accordance with such section. This subsection  
20 does not apply to passenger facility fees in effect before  
21 the date of the enactment of this subsection.”.

22 **SEC. 126. MATCHING SHARE.**

23 Section 47109(a) is amended—

24 (1) by redesignating paragraphs (2) and (3) as  
25 paragraphs (3) and (4), respectively;

1           (2) by inserting after paragraph (1) the fol-  
2       lowing:

3           “(2) not more than 90 percent for a project  
4       funded by a grant issued to and administered by a  
5       State under section 47128, relating to the State  
6       block grant program;”;

7           (3) by striking “and” at the end of paragraph  
8       (3) (as so redesignated);

9           (4) by striking the period at the end of para-  
10      graph (4) (as so redesignated) and inserting “;  
11      and”; and

12          (5) by adding at the end the following:

13          “(5) 100 percent in fiscal year 2001 for any  
14      project—

15               “(A) at an airport other than a primary  
16              airport; or

17               “(B) at a primary airport having less than  
18              .05 percent of the total number of passenger  
19              boardings each year at all commercial service  
20              airports.”.

21   **SEC. 127. LETTERS OF INTENT.**

22       Section 47110(e) is amended—

23           (1) by striking paragraph (2)(C) and inserting  
24       the following:

1           “(C) that meets the criteria of section 47115(d)  
2           and, if for a project at a commercial service airport  
3           having at least 0.25 percent of the boardings each  
4           year at all such airports, the Secretary decides will  
5           enhance system-wide airport capacity significantly.”;  
6           and

7           (2) by striking paragraph (5) and inserting the  
8           following:

9           “(5) LETTERS OF INTENT.—The Secretary may not  
10          require an eligible agency to impose a passenger facility  
11          fee under section 40117 in order to obtain a letter of in-  
12          tent under this section.”.

13       **SEC. 128. GRANTS FROM SMALL AIRPORT FUND.**

14          (a) SET-ASIDE FOR MEETING SAFETY TERMS IN  
15          AIRPORT OPERATING CERTIFICATES.—Section 47116 is  
16          amended by adding at the end the following:

17          “(e) SET-ASIDE FOR MEETING SAFETY TERMS IN  
18          AIRPORT OPERATING CERTIFICATES.—In the first fiscal  
19          year beginning after the effective date of regulations  
20          issued to carry out section 44706(b) with respect to air-  
21          ports described in section 44706(a)(2), and in each of the  
22          next 4 fiscal years, the lesser of \$15,000,000 or 20 percent  
23          of the amounts that would otherwise be distributed to  
24          sponsors of airports under subsection (b)(2) shall be used  
25          to assist the airports in meeting the terms established by

1 the regulations. If the Secretary publishes in the Federal  
2 Register a finding that all the terms established by the  
3 regulations have been met, this subsection shall cease to  
4 be effective as of the date of such publication.”.

5 (b) NOTIFICATION OF SOURCE OF GRANT.—Section  
6 47116 is further amended by adding at the end the fol-  
7 lowing:

8 “(f) NOTIFICATION OF SOURCE OF GRANT.—When-  
9 ever the Secretary makes a grant under this section, the  
10 Secretary shall notify the recipient of the grant, in writing,  
11 that the source of the grant is from the small airport  
12 fund.”.

13 (c) TECHNICAL AMENDMENTS.—Section 47116(d) is  
14 amended—

15 (1) by striking “In making” and inserting the  
16 following:

17 “(1) CONSTRUCTION OF NEW RUNWAYS.—In  
18 making”;

19 (2) by adding at the end the following:

20 “(2) AIRPORT DEVELOPMENT FOR TURBINE  
21 POWERED AIRCRAFT.—In making grants to sponsors  
22 described in subsection (b)(1), the Secretary shall  
23 give priority consideration to airport development  
24 projects to support operations by turbine powered



1 aircraft, if the non-Federal share of the project is at  
 2 least 40 percent.”; and

3 (3) by aligning the remainder of paragraph (1)  
 4 (as designated by paragraph (1) of this subsection)  
 5 with paragraph (2) (as added by paragraph (2) of  
 6 this subsection).

7 **SEC. 129. DISCRETIONARY USE OF UNUSED APPORTION-**  
 8 **MENTS.**

9 Section 47117(f) (as redesignated by section 104(j))  
 10 of this Act) is amended to read as follows:

11 “(f) DISCRETIONARY USE OF APPORTIONMENTS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),  
 13 if the Secretary finds that all or part of an amount  
 14 of an apportionment under section 47114 is not re-  
 15 quired during a fiscal year to fund a grant for which  
 16 the apportionment may be used, the Secretary may  
 17 use during such fiscal year the amount not so re-  
 18 quired to make grants for any purpose for which  
 19 grants may be made under section 48103. The find-  
 20 ing may be based on the notifications that the Sec-  
 21 retary receives under section 47105(f) or on other  
 22 information received from airport sponsors.

23 “(2) RESTORATION OF APPORTIONMENTS.—

24 “(A) IN GENERAL.—If the fiscal year for  
 25 which a finding is made under paragraph (1)

1 with respect to an apportionment is not the last  
2 fiscal year of availability of the apportionment  
3 under subsection (b), the Secretary shall restore  
4 to the apportionment an amount equal to the  
5 amount of the apportionment used under para-  
6 graph (1) for a discretionary grant whenever a  
7 sufficient amount is made available under sec-  
8 tion 48103.

9 “(B) PERIOD OF AVAILABILITY.—If res-  
10 toration under this paragraph is made in the  
11 fiscal year for which the finding is made or the  
12 succeeding fiscal year, the amount restored  
13 shall be subject to the original period of avail-  
14 ability of the apportionment under subsection  
15 (b). If the restoration is made thereafter, the  
16 amount restored shall remain available in ac-  
17 cordance with subsection (b) for the original pe-  
18 riod of availability of the apportionment, plus  
19 the number of fiscal years during which a suffi-  
20 cient amount was not available for the restora-  
21 tion.

22 “(3) NEWLY AVAILABLE AMOUNTS.—

23 “(A) RESTORED AMOUNTS TO BE UN-  
24 AVAILABLE FOR DISCRETIONARY GRANTS.—Of  
25 an amount newly available under section 48103

of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

“(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary’s authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

“(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.”.

**SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.**

(a) IN GENERAL.—Section 47118 is amended—

(1) in subsection (a) by striking “12” and inserting “15 for fiscal year 2000 and 20 for each fiscal year thereafter”;

1           (2) by striking subsection (c) and redesignating  
2       subsections (d) through (f) as subsections (c)  
3       through (e), respectively;

4           (3) in subsection (c) (as so redesignated)—

5                (A) by striking “47117(e)(1)(E)” and in-  
6       serting “47117(e)(1)(B)”;

7                (B) by striking “5-fiscal-year periods” and  
8       inserting “periods, each not to exceed 5 fiscal  
9       years,”; and

10               (C) by striking “each such subsequent 5-  
11       fiscal-year period” and inserting “each such  
12       subsequent period”; and

13           (4) by adding at the end the following:

14       “(f) DESIGNATION OF GENERAL AVIATION AIR-  
15       PORT.—Notwithstanding any other provision of this sec-  
16       tion, 1 airport of the airports designated under subsection  
17       (a) for fiscal year 2000 and 3 airports for each fiscal year  
18       thereafter shall be general aviation airports that were  
19       former military installations closed or realigned under a  
20       section referred to in subsection (a)(1).”.

21       (b) TERMINAL BUILDING FACILITIES.—Section  
22       47118(d) (as redesignated by subsection (a)(2) of this sec-  
23       tion) is amended by striking “\$5,000,000” and inserting  
24       “\$7,000,000”.

1 (c) ELIGIBILITY OF AIR CARGO TERMINALS.—Sec-  
 2 tion 47118(e) (as redesignated by subsection (a)(2) of this  
 3 section) is amended—

4 (1) in subsection heading by striking “AND  
 5 HANGARS” and inserting “HANGARS, AND AIR  
 6 CARGO TERMINALS”;

7 (2) by striking “\$4,000,000” and inserting  
 8 “\$7,000,000”; and

9 (3) by inserting after “hangars” the following:  
 10 “and air cargo terminals of an area that is 50,000  
 11 square feet or less”.

12 **SEC. 131. CONTRACT TOWER COST-SHARING.**

13 Section 47124(b) is amended by adding at the end  
 14 the following:

15 “(3) CONTRACT AIR TRAFFIC CONTROL TOWER  
 16 PILOT PROGRAM.—

17 “(A) IN GENERAL.—The Secretary shall  
 18 establish a pilot program to contract for air  
 19 traffic control services at Level I air traffic con-  
 20 trol towers, as defined by the Administrator of  
 21 the Federal Aviation Administration, that do  
 22 not qualify for the Contract Tower program es-  
 23 tablished under subsection (a) and continued  
 24 under paragraph (1) (hereafter in this para-

graph referred to as the ‘Contract Tower Program’).

“(B) PROGRAM COMPONENTS.—In carrying out the pilot program established under subparagraph (A), the Administrator shall—

“(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Administrator;

“(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a one-to-one benefit-to-cost ratio, as required for eligibility under the Contract Tower Program; and

“(iii) approve for participation no more than two facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and for each of such facilities the Federal share of construction cost does not exceed \$1,100,000.

1           “(C) PRIORITY.—In selecting facilities to  
2 participate in the program under this para-  
3 graph, the Administrator shall give priority to  
4 the following:

5           “(i) Air traffic control towers that are  
6 participating in the Contract Tower Pro-  
7 gram but have been notified that they will  
8 be terminated from such program because  
9 the Administration has determined that  
10 the benefit-to-cost ratio for their continu-  
11 ation in such program is less than 1.0.

12           “(ii) Air traffic control towers that  
13 the Administrator determines have a ben-  
14 efit-to-cost ratio of at least .85.

15           “(iii) Air traffic control towers of the  
16 Federal Aviation Administration that are  
17 closed as a result of the air traffic control-  
18 lers strike in 1981.

19           “(iv) Air traffic control towers that  
20 are located at airports or points at which  
21 an air carrier is receiving compensation  
22 under the essential air service program  
23 under this chapter.

24           “(v) Air traffic control towers located  
25 at airports that are prepared to assume

1 partial responsibility for maintenance  
2 costs.

3 “(vi) Air traffic control towers that  
4 are located at airports with safety or oper-  
5 ational problems related to topography,  
6 weather, runway configuration, or mix of  
7 aircraft.

8 “(D) COSTS EXCEEDING BENEFITS.—If  
9 the costs of operating an air traffic tower under  
10 the pilot program established under this para-  
11 graph exceed the benefits, the airport sponsor  
12 or State or local government having jurisdiction  
13 over the airport shall pay the portion of the  
14 costs that exceed such benefit.

15 “(E) FUNDING.—Of the amounts appro-  
16 priated pursuant to section 106(k), not to ex-  
17 ceed \$6,000,000 per fiscal year may be used to  
18 carry out this paragraph.”.

19 **SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

20 (a) IN GENERAL.—Subchapter I of chapter 471 is  
21 amended by adding at the end the following:

22 **“§ 47135. Innovative financing techniques**

23 “(a) IN GENERAL.—The Secretary of Transportation  
24 may approve applications for not more than 25 airport  
25 development projects for which grants received under this



1 subchapter may be used for innovative financing tech-  
2 niques. Such projects shall be located at airports that each  
3 year have less than .25 percent of the total number of  
4 passenger boardings each year at all commercial service  
5 airports.

6 “(b) PURPOSE.—The purpose of grants made under  
7 this section shall be to provide information on the benefits  
8 and difficulties of using innovative financing techniques  
9 for airport development projects.

10 “(c) LIMITATIONS.—

11 “(1) NO GUARANTEES.—In no case shall the  
12 implementation of an innovative financing technique  
13 under this section be used in a manner giving rise  
14 to a direct or indirect guarantee of any airport debt  
15 instrument by the United States Government.

16 “(2) TYPES OF TECHNIQUES.—In this section,  
17 innovative financing techniques are limited to—

18 “(A) payment of interest;

19 “(B) commercial bond insurance and other  
20 credit enhancement associated with airport  
21 bonds for eligible airport development; and

22 “(C) flexible non-Federal matching re-  
23 quirements.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
2 subchapter I of chapter 471 is amended by adding at the  
3 end the following:

“47135. Innovative financing techniques.”.

4 **SEC. 133. AVIATION SECURITY PROGRAM.**

5 (a) IN GENERAL.—Subchapter I of chapter 471 is  
6 further amended by adding the following new section:

7 **“§ 47136. Aviation security program**

8 “(a) GENERAL AUTHORITY.—To improve security at  
9 public airports in the United States, the Secretary of  
10 Transportation shall carry out not less than one project  
11 to test and evaluate innovative aviation security systems  
12 and related technology.

13 “(b) PRIORITY.—In carrying out this section, the  
14 Secretary shall give the highest priority to a request from  
15 an eligible sponsor for a grant to undertake a project  
16 that—

17 “(1) evaluates and tests the benefits of innova-  
18 tive aviation security systems or related technology,  
19 including explosives detection systems, for the pur-  
20 pose of improving aviation security, including air-  
21 craft physical security, access control, and passenger  
22 and baggage screening; and

23 “(2) provides testing and evaluation of airport  
24 security systems and technology in an operational,  
25 test bed environment.

1       “(c) MATCHING SHARE.—Notwithstanding section  
2 47109, the United States Government’s share of allowable  
3 project costs for a project under this section shall be 100  
4 percent.

5       “(d) TERMS AND CONDITIONS.—The Secretary may  
6 establish such terms and conditions as the Secretary de-  
7 termines appropriate for carrying out a project under this  
8 section, including terms and conditions relating to the  
9 form and content of a proposal for a project, project assur-  
10 ances, and schedule of payments.

11       “(e) ELIGIBLE SPONSOR DEFINED.—In this section,  
12 the term ‘eligible sponsor’ means a nonprofit corporation  
13 composed of a consortium of public and private persons,  
14 including a sponsor of a primary airport, with the nec-  
15 essary engineering and technical expertise to successfully  
16 conduct the testing and evaluation of airport and aircraft  
17 related security systems.

18       “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the  
19 amounts made available to the Secretary under section  
20 47115 in a fiscal year, the Secretary shall make available  
21 not less than \$5,000,000 for the purpose of carrying out  
22 this section.”.

23       (b) CONFORMING AMENDMENT.—The analysis for  
24 subchapter I of chapter 471 is further amended by adding  
25 at the end the following:

“47136. Aviation security program.”.

1 **SEC. 134. INHERENTLY LOW-EMISSION AIRPORT VEHICLE**  
2 **PILOT PROGRAM.**

3 (a) IN GENERAL.—Subchapter I of chapter 471 is  
4 further amended by adding at the end the following:

5 **“§ 47137. Inherently low-emission airport vehicle**  
6 **pilot program**

7 “(a) IN GENERAL.—The Secretary of Transportation  
8 shall carry out a pilot program at not more than 10 public-  
9 use airports under which the sponsors of such airports  
10 may use funds made available under section 48103 for use  
11 at such airports to carry out inherently low-emission vehi-  
12 cle activities. Notwithstanding any other provision of this  
13 subchapter, inherently low-emission vehicle activities shall  
14 for purposes of the pilot program be treated as eligible  
15 for assistance under this subchapter.

16 “(b) LOCATION IN AIR QUALITY NONATTAINMENT  
17 AREAS.—A public-use airport shall be eligible for partici-  
18 pation in the pilot program only if the airport is located  
19 in an air quality nonattainment area (as defined in section  
20 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

21 “(c) SELECTION CRITERIA.—In selecting from  
22 among applicants for participation in the pilot program,  
23 the Secretary shall give priority consideration to appli-  
24 cants that will achieve the greatest air quality benefits  
25 measured by the amount of emissions reduced per dollar  
26 of funds expended under the pilot program.

1 “(d) TECHNICAL ASSISTANCE.—

2 “(1) IN GENERAL.—The sponsor of a public-use  
3 airport carrying out inherently low-emission vehicle  
4 activities under the pilot program may use not to ex-  
5 ceed 10 percent of the amounts made available for  
6 expenditure at the airport in a fiscal year under the  
7 pilot program to receive technical assistance in car-  
8 rying out such activities.

9 “(2) ELIGIBLE CONSORTIUM.—To the max-  
10 imum extent practicable, a sponsor shall use an eli-  
11 gible consortium (as defined in section 5506 of this  
12 title) in the region of the airport to receive technical  
13 assistance described in paragraph (1).

14 “(e) UNITED STATES GOVERNMENT’S SHARE.—Not-  
15 withstanding any other provision of this subchapter, the  
16 United States Government’s share of the costs of a project  
17 carried out under the pilot program shall be 50 percent.

18 “(f) MAXIMUM AMOUNT.—Not more than  
19 \$2,000,000 may be expended under the pilot program at  
20 any single public-use airport.

21 “(g) REPORT TO CONGRESS.—Not later than 18  
22 months after the date of the enactment of this section,  
23 the Secretary shall transmit to the Committee on Trans-  
24 portation and Infrastructure of the House of Representa-  
25 tives and the Committee on Commerce, Science, and

1 Transportation of the Senate a report containing an eval-  
 2 uation of the effectiveness of the pilot program.

3 “(h) INHERENTLY LOW-EMISSION VEHICLE ACTIV-  
 4 ITY DEFINED.—In this section, the term ‘inherently low-  
 5 emission vehicle activity’ means—

6 “(1) the construction of infrastructure facilities  
 7 necessary for the use of vehicles that are certified as  
 8 inherently low-emission vehicles under title 40 of the  
 9 Code of Federal Regulations, that are labeled in ac-  
 10 cordance with section 88.312–93(c) of such title,  
 11 and that are located or primarily used at public-use  
 12 airports;

13 “(2) the payment of that portion of the cost of  
 14 acquiring such vehicles that exceeds the cost of ac-  
 15 quiring other vehicles that would be used for the  
 16 same purpose; or

17 “(3) the acquisition of technological equipment  
 18 necessary for the use of vehicles described in para-  
 19 graph (1).”.

20 (b) CONFORMING AMENDMENT.—The analysis for  
 21 subchapter I of chapter 471 is further amended by adding  
 22 at the end the following:

“47137. Inherently low-emission airport vehicle pilot program.”.

23 **SEC. 135. TECHNICAL AMENDMENTS.**

24 (a) CONTINUATION OF PROJECT FUNDING.—Section  
 25 47108 is amended by adding at the end the following:

1       “(e) CHANGE IN AIRPORT STATUS.—In the event  
2 that the status of a primary airport changes to a nonpri-  
3 mary airport at a time when a terminal development  
4 project under a multiyear agreement under subsection (a)  
5 is not yet completed, the project shall remain eligible for  
6 funding from discretionary funds under section 47115 at  
7 the funding level and under the terms provided by the  
8 agreement, subject to the availability of funds.”.

9       (b) PASSENGER FACILITY FEE WAIVER FOR CER-  
10 TAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS  
11 IN ISOLATED COMMUNITIES.—Section 40117(i) is  
12 amended—

13           (1) by striking “and” at the end of paragraph  
14       (1);

15           (2) by striking the period at the end of para-  
16       graph (2) and inserting “; and”; and

17           (3) by adding at the end the following:

18           “(3) may permit a public agency to request that  
19       collection of a passenger facility fee be waived for—

20           “(A) passengers enplaned by any class of  
21       air carrier or foreign air carrier if the number  
22       of passengers enplaned by the carrier in the  
23       class constitutes not more than 1 percent of the  
24       total number of passengers enplaned annually  
25       at the airport at which the fee is imposed; or

1 “(B) passengers traveling to an airport—  
 2 “(i) that has fewer than 2,500 pas-  
 3 senger boardings each year and receives  
 4 scheduled passenger service; and  
 5 “(ii) in a community which has a pop-  
 6 ulation of less than 10,000 and is not con-  
 7 nected by a land highway to the land-con-  
 8 nected National Highway System within a  
 9 State.”.

10 **SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUB-**  
 11 **LIC AIRPORTS.**

12 (a) PROJECT GRANT ASSURANCES.—Section  
 13 47107(h) is amended by inserting “(including an assur-  
 14 ance with respect to disposal of land by an airport owner  
 15 or operator under subsection (c)(2)(B) without regard to  
 16 whether or not the assurance or grant was made before  
 17 December 29, 1987)” after “1987”.

18 (b) CONVEYANCES OF UNITED STATES GOVERN-  
 19 MENT LAND.—Section 47125(a) is amended by adding at  
 20 the end the following: “The Secretary may only release  
 21 an option of the United States for a reversionary interest  
 22 under this subsection after providing notice and an oppor-  
 23 tunity for public comment. The Secretary shall publish in  
 24 the Federal Register any decision of the Secretary to re-



1 lease a reversionary interest and the reasons for the deci-  
2 sion.”.

3 (c) REQUESTS BY PUBLIC AGENCIES.—Section  
4 47151 is amended by adding at the end the following:

5 “(d) REQUESTS BY PUBLIC AGENCIES.—Except with  
6 respect to a request made by another department, agency,  
7 or instrumentality of the executive branch of the United  
8 States Government, such a department, agency, or instru-  
9 mentality shall give priority consideration to a request  
10 made by a public agency (as defined in section 47102)  
11 for surplus property described in subsection (a) for use  
12 at a public airport.”.

13 (d) NOTICE AND PUBLIC COMMENT; PUBLICATION  
14 OF DECISIONS.—Section 47153(a) is amended—

15 (1) in paragraph (1) by inserting “, after pro-  
16 viding notice and an opportunity for public com-  
17 ment,” after “if the Secretary decides”; and

18 (2) by adding at the end the following:

19 “(3) PUBLICATION OF DECISIONS.—The Sec-  
20 retary shall publish in the Federal Register any deci-  
21 sion to waive a term under paragraph (1) and the  
22 reasons for the decision.”.

23 (e) CONSIDERATIONS.—Section 47153 is amended by  
24 adding at the end the following:

1       “(c) CONSIDERATIONS.—In deciding whether to  
 2 waive a term required by section 47152 or add another  
 3 term, the Secretary shall consider the current and future  
 4 needs of the users of the airport.”.

5       (f) REFERENCES TO GIFTS.—Chapter 471 is  
 6 amended—

7               (1) in section 47151—

8                       (A) in subsection (a)—

9                               (i) in the matter preceding paragraph  
 10                               (1) by striking “give” and inserting “con-  
 11                               vey to”; and

12                               (ii) in paragraph (2) by striking  
 13                               “gift” and inserting “conveyance”;

14                       (B) in subsection (b)—

15                               (i) by striking “giving” and inserting  
 16                               “conveying”; and

17                               (ii) by striking “gift” and inserting  
 18                               “conveyance”; and

19                       (C) in subsection (c)—

20                               (i) in the subsection heading by strik-  
 21                               ing “GIVEN” and inserting “CONVEYED”;  
 22                               and

23                               (ii) by striking “given” and inserting  
 24                               “conveyed”;

25               (2) in section 47152—

1 (A) in the section heading by striking  
 2 “**gifts**” and inserting “**conveyances**”; and

3 (B) in the matter preceding paragraph (1)  
 4 by striking “gift” and inserting “conveyance”;  
 5 (3) in section 47153(a)(1)—

6 (A) by striking “gift” each place it appears  
 7 and inserting “conveyance”; and

8 (B) by striking “given” and inserting  
 9 “conveyed”; and

10 (4) in the analysis for such chapter by striking  
 11 the item relating to section 47152 and inserting the  
 12 following:

“47152. Terms of conveyances.”.

13 **SEC. 137. INTERMODAL CONNECTIONS.**

14 (a) AIRPORT IMPROVEMENT POLICY.—Section  
 15 47101(a)(5) is amended to read as follows:

16 “(5) to encourage the development of inter-  
 17 modal connections between airports and other trans-  
 18 portation modes and systems to promote economic  
 19 development in a way that will serve States and local  
 20 communities efficiently and effectively;”.

21 (b) AIRPORT DEVELOPMENT DEFINED.—Section  
 22 47102(3) is further amended by adding at the end the  
 23 following:

24 “(I) constructing, reconstructing, or im-  
 25 proving an airport, or purchasing capital equip-

1           ment for an airport, for the purpose of transfer-  
 2           ring passengers, cargo, or baggage between the  
 3           airport and ground transportation modes.”.

4   **SEC. 138. STATE BLOCK GRANT PROGRAM.**

5           Section 47128(a) is amended by striking “9 quali-  
 6   fied” and inserting “10 qualified”.

7   **SEC. 139. ENGINEERED MATERIALS ARRESTING SYSTEMS.**

8           (a) ELIGIBILITY.—Section 47102(3)(B) (as amended  
 9   by this Act) is amended by adding at the end the fol-  
 10   lowing:

11                           “(ix) engineered materials arresting  
 12                           systems as described in the Advisory Cir-  
 13                           cular No. 150/5220–22 published by the  
 14                           Federal Aviation Administration on August  
 15                           21, 1998.”.

16           (b) RULEMAKING.—The Administrator shall initiate  
 17   a rulemaking proceeding to consider revisions to part 139  
 18   of title 14, Code of Federal Regulations, to improve run-  
 19   way safety through the use of engineered materials arrest-  
 20   ing systems, longer runways, and such other techniques  
 21   as the Administrator considers appropriate.

22                           **Subtitle C—Miscellaneous**

23   **SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIR-**  
 24                           **PORT-RELATED PROJECTS.**

25           Section 40117(a)(3)(E) is amended—

1           (1) by striking “and” and inserting a comma;  
2           and

3           (2) by striking the period at the end and insert-  
4           ing the following: “(including structural foundations  
5           and floor systems, exterior building walls and load-  
6           bearing interior columns or walls, windows, door and  
7           roof systems, and building utilities (including heat-  
8           ing, air conditioning, ventilation, plumbing, and elec-  
9           trical service)), and aircraft fueling facilities adja-  
10          cent to the gate.”.

11 **SEC. 152. TERMINAL DEVELOPMENT COSTS.**

12          (a) WITH RESPECT TO PASSENGER FACILITY  
13 CHARGES.—Section 40117(a)(3) is further amended—

14           (1) by redesignating subparagraphs (C), (D),  
15           and (E) as subparagraphs (D), (E), and (F), respec-  
16           tively; and

17           (2) by inserting after subparagraph (B) the fol-  
18           lowing:

19                   “(C) for costs of terminal development re-  
20                   ferred to in subparagraph (B) incurred after  
21                   August 1, 1986, at an airport that did not have  
22                   more than .25 percent of the total annual pas-  
23                   senger boardings in the United States in the  
24                   most recent calendar year for which data is  
25                   available and at which total passenger

1 boardings declined by at least 16 percent be-  
2 tween calendar year 1989 and calendar year  
3 1997;”.

4 (b) REPAYING BORROWED MONEY.—Section  
5 47119(a) is amended—

6 (1) in the matter preceding paragraph (1)—

7 (A) by striking “0.05” and inserting  
8 “0.25”; and

9 (B) by striking “between January 1, 1992,  
10 and October 31, 1992,” and inserting “between  
11 August 1, 1986, and September 30, 1990, or  
12 between June 1, 1991, and October 31, 1992,”;  
13 and

14 (2) in paragraph (1)(B) by striking “an airport  
15 development project outside the terminal area at  
16 that airport” and inserting “any needed airport de-  
17 velopment project affecting safety, security, or ca-  
18 pacity”.

19 (c) NONHUB AIRPORTS.—Section 47119(c) is amend-  
20 ed by striking “0.05” and inserting “0.25”.

21 (d) NONPRIMARY COMMERCIAL SERVICE AIR-  
22 PORTS.—Section 47119 is amended by adding at the end  
23 the following:

24 “(d) DETERMINATION OF PASSENGER BOARDING AT  
25 COMMERCIAL SERVICE AIRPORT.—For the purpose of de-

1 terminating whether an amount may be distributed for a  
2 fiscal year from the discretionary fund in accordance with  
3 subsection (b)(2)(A) to a commercial service airport, the  
4 Secretary shall make the determination of whether or not  
5 a public airport is a commercial service airport on the  
6 basis of the number of passenger boardings and type of  
7 air service at the public airport in the calendar year that  
8 includes the first day of such fiscal year or the preceding  
9 calendar year, whichever is more beneficial to the air-  
10 port.”.

11 **SEC. 153. GENERAL FACILITIES AUTHORITY.**

12 (a) CONTINUATION OF ILS INVENTORY PROGRAM.—  
13 Section 44502(a)(4)(B) is amended—

14 (1) by striking “each of fiscal years 1995 and  
15 1996” and inserting “each of fiscal years 2000  
16 through 2002”; and

17 (2) by inserting “under new or existing con-  
18 tracts” after “including acquisition”.

19 (b) LORAN-C NAVIGATION FACILITIES.—Section  
20 44502(a) is amended by adding at the end the following:

21 “(5) MAINTENANCE AND UPGRADE OF LORAN-  
22 C NAVIGATION FACILITIES.—The Secretary shall  
23 maintain and upgrade Loran-C navigation facilities  
24 throughout the transition period to satellite-based  
25 navigation.”.

1 **SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**  
2 **CARRIERS.**

3 Section 44706 is amended by adding at the end the  
4 following:

5 “(g) INCLUDED CHARTER AIR TRANSPORTATION.—  
6 For the purposes of subsection (a)(2), a scheduled pas-  
7 senger operation includes charter air transportation for  
8 which the general public is provided in advance a schedule  
9 containing the departure location, departure time, and ar-  
10 rival location of the flights.

11 “(h) AUTHORITY TO PRECLUDE SCHEDULED PAS-  
12 Senger OPERATIONS.—The Administrator shall permit  
13 an airport that will be subject to certification under sub-  
14 section (a)(2) to preclude scheduled passenger operations  
15 (including public charter operations described in sub-  
16 section (g)) at the airport if the airport notifies the Ad-  
17 ministrator, in writing, that it does not intend to obtain  
18 an airport operating certificate.”.

19 **SEC. 155. CONSTRUCTION OF RUNWAYS.**

20 Notwithstanding any provision of law that specifically  
21 restricts the number of runways at a single international  
22 airport, the Secretary of Transportation may obligate  
23 funds made available under chapters 471 and 481 of title  
24 49, United States Code, for any project to construct a new  
25 runway at such airport, unless this section is expressly re-  
26 pealed.



1   **SEC. 156. USE OF RECYCLED MATERIALS.**

2           (a) STUDY.—The Administrator shall conduct a  
3 study of the use of recycled materials (including recycled  
4 pavements, waste materials, and byproducts) in pavement  
5 used for runways, taxiways, and aprons and the specifica-  
6 tion standards in tests necessary for the use of recycled  
7 materials in such pavement. The primary focus of the  
8 study shall be on the long term physical performance, safe-  
9 ty implications, and environmental benefits of using recy-  
10 cled materials in aviation pavement.

11          (b) CONTRACTING.—The Administrator may carry  
12 out the study under this section by entering into a con-  
13 tract with a university of higher education with expertise  
14 necessary to carry out the study.

15          (c) REPORT.—Not later than 1 year after the date  
16 of the enactment of this Act, the Administrator shall  
17 transmit to Congress a report on the results of the study  
18 conducted under this section together with recommenda-  
19 tions concerning the use of recycled materials in aviation  
20 pavement.

21          (d) FUNDING.—Of the amounts appropriated pursu-  
22 ant to section 106(k), not to exceed \$1,500,000 in the ag-  
23 gregate may be used to carry out this section.

1 **SEC. 157. AIRCRAFT NOISE PRIMARILY CAUSED BY MILI-**  
 2 **TARY AIRCRAFT.**

3 Section 47504(c) is amended by adding at the end  
 4 the following:

5 “(6) AIRCRAFT NOISE PRIMARILY CAUSED BY  
 6 MILITARY AIRCRAFT.—The Administrator may make  
 7 a grant under this subsection for a project even if  
 8 the purpose of the project is to mitigate the effect  
 9 of noise primarily caused by military aircraft at an  
 10 airport.”.

11 **SEC. 158. TIMELY ANNOUNCEMENT OF GRANTS.**

12 The Secretary of Transportation shall announce the  
 13 making of grants with funds made available under section  
 14 48103 of title 49, United States Code, in a timely fashion  
 15 after receiving necessary documentation for the making of  
 16 such grants from the Administrator.

17 **TITLE II—AIRLINE SERVICE**  
 18 **IMPROVEMENTS**  
 19 **Subtitle A—Service to Airports Not**  
 20 **Receiving Sufficient Service**

21 **SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.**

22 (a) PHASEOUT OF SLOT RULE FOR O’HARE,  
 23 LAGUARDIA, AND KENNEDY AIRPORTS.—Section 41714  
 24 is amended by adding at the end the following:

25 “(j) PHASEOUT OF SLOT RULE FOR O’HARE,  
 26 LAGUARDIA, AND KENNEDY AIRPORTS.—

1           “(1) O’HARE AIRPORT.—The slot rule shall be  
2       of no force and effect at O’Hare International  
3       Airport—

4           “(A) effective March 1, 2000—

5               “(i) with respect to a regional jet air-  
6       craft providing air transportation between  
7       O’Hare International Airport and a small  
8       hub or nonhub airport—

9               “(I) if the operator of the re-  
10      gional jet aircraft was not providing  
11      such air transportation during the  
12      week of June 15, 1999; or

13              “(II) if the level of air transpor-  
14      tation to be provided between such  
15      airports by the operator of the re-  
16      gional jet aircraft during any week  
17      will exceed the level of air transpor-  
18      tation provided by such operator be-  
19      tween such airports during the week  
20      of June 15, 1999; and

21              “(ii) with respect to any aircraft pro-  
22      viding foreign air transportation;

23              “(B) effective March 1, 2001, with respect  
24      to any aircraft operating before 2:45 post  
25      meridiem and after 8:15 post meridiem; and

1                   “(C) effective March 1, 2002, with respect  
2                   to any aircraft.

3                   “(2) LAGUARDIA AND KENNEDY.—The slot rule  
4                   shall be of no force and effect at LaGuardia Airport  
5                   or John F. Kennedy International Airport—

6                   “(A) effective March 1, 2000, with respect  
7                   to a regional jet aircraft providing air transpor-  
8                   tation between LaGuardia Airport or John F.  
9                   Kennedy International Airport and a small hub  
10                  or nonhub airport—

11                  “(I) if the operator of the re-  
12                  gional jet aircraft was not providing  
13                  such air transportation during the  
14                  week of June 15, 1999; or

15                  “(II) if the level of air transpor-  
16                  tation to be provided between such  
17                  airports by the operator of the re-  
18                  gional jet aircraft during any week  
19                  will exceed the level of air transpor-  
20                  tation provided by such operator be-  
21                  tween such airports during the week  
22                  of June 15, 1999; and

23                  “(B) effective January 1, 2007, with re-  
24                  spect to any aircraft.”.

1 (b) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—  
2 Section 41714 is amended by striking subsections (e) and  
3 (f) and inserting the following:

4 “(e) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—  
5 “(1) SLOT EXEMPTIONS FOR AIRPORTS NOT RE-  
6 CEIVING SUFFICIENT SERVICE.—

7 “(A) IN GENERAL.—Notwithstanding  
8 chapter 491, the Secretary may by order grant  
9 exemptions from the slot rule for Ronald  
10 Reagan Washington National Airport and  
11 O’Hare International Airport to enable air car-  
12 riers to provide nonstop air transportation  
13 using jet aircraft that comply with the stage 3  
14 noise levels of part 36 of title 14, Code of Fed-  
15 eral Regulations, between the airport and a  
16 small hub or nonhub airport that the Secretary  
17 determines has (i) insufficient air carrier serv-  
18 ice to and from Reagan National Airport or  
19 O’Hare International Airport, as the case may  
20 be, or (ii) unreasonably high airfares.

21 “(B) NUMBER OF SLOT EXEMPTIONS TO  
22 BE GRANTED.—

23 “(i) REAGAN NATIONAL.—

24 “(I) MAXIMUM NUMBER OF EX-  
25 EMPTIONS.—No more than 2 exemp-

1 tions from the slot rule per hour and  
2 no more than 6 exemptions from the  
3 slot rule per day may be granted  
4 under this paragraph for Ronald  
5 Reagan Washington National Airport.

6 “(II) MAXIMUM DISTANCE OF  
7 FLIGHTS.—An exemption from the  
8 slot rule may be granted under this  
9 paragraph for Ronald Reagan Wash-  
10 ington National Airport only if the  
11 flight utilizing the exemption begins  
12 or ends within 1,250 miles of such  
13 airport and a stage 3 aircraft is used  
14 for such flight.

15 “(ii) O’HARE AIRPORT.—20 exemp-  
16 tions from the slot rule per day shall be  
17 granted under this paragraph for O’Hare  
18 International Airport.

19 “(2) SLOT EXEMPTIONS AT O’HARE FOR NEW  
20 ENTRANT AIR CARRIERS.—

21 “(A) IN GENERAL.—The Secretary shall  
22 grant 30 exemptions from the slot rule to en-  
23 able new entrant air carriers to provide air  
24 transportation at O’Hare International Airport  
25 using stage 3 aircraft.

1                   “(B)   PRIORITY    CONSIDERATION.—In  
2                   granting exemptions under this paragraph, the  
3                   Secretary shall give priority consideration to an  
4                   application from an air carrier that, as of June  
5                   15, 1999, operated or held fewer than 20 slots  
6                   at O’Hare International Airport.

7                   “(3) INSUFFICIENT APPLICATIONS.—If, on the  
8                   180th day following the date of the enactment of the  
9                   Aviation Investment and Reform Act for the 21st  
10                  Century, the Secretary has not granted all of the ex-  
11                  emptions from the slot rule made available under  
12                  this subsection at an airport because an insufficient  
13                  number of eligible applicants have submitted appli-  
14                  cations for the exemptions, the Secretary may grant  
15                  the remaining exemptions at the airport to any air  
16                  carrier applying for the exemptions for the provision  
17                  of any type of air transportation. An exemption  
18                  granted under paragraph (1) or (2) pursuant to this  
19                  paragraph may be reclaimed by the Secretary for  
20                  issuance in accordance with the terms of paragraph  
21                  (1) or (2), as the case may be, if subsequent applica-  
22                  tions under paragraph (1) or (2), as the case maybe,  
23                  so warrant.

24                  “(f) REQUIREMENTS RELATING TO ADDITIONAL  
25                  SLOT EXEMPTIONS.—

1           “(1) APPLICATIONS.—An air carrier interested  
2           in obtaining an exemption from the slot rule under  
3           subsection (e) shall submit to the Secretary an appli-  
4           cation for the exemption. No application may be  
5           submitted to the Secretary under subsection (e) be-  
6           fore the last day of the 30-day period beginning on  
7           the date of the enactment of the Aviation Invest-  
8           ment and Reform Act for the 21st Century.

9           “(2) PERIOD OF EFFECTIVENESS.—An exemp-  
10          tion from the slot rule granted under subsection (e)  
11          shall remain in effect only while the air carrier for  
12          whom the exemption is granted continues to provide  
13          the air transportation for which the exemption is  
14          granted.

15          “(3) TREATMENT OF CERTAIN COMMUTER AIR  
16          CARRIERS.—The Secretary shall treat all commuter  
17          air carriers that have cooperative agreements, in-  
18          cluding code share agreements with other air car-  
19          riers, equally for determining eligibility for exemp-  
20          tions from the slot rule under subsection (e) regard-  
21          less of the form of the corporate relationship be-  
22          tween the commuter air carrier and the other air  
23          carrier.”.

24          (c) DEFINITIONS.—



1           (1) IN GENERAL.—Section 41714(h) is amend-  
2       ed by adding at the end the following:

3           “(5) NONHUB AIRPORT.—The term ‘nonhub  
4       airport’ means an airport that each year has less  
5       than .05 percent of the total annual boardings in the  
6       United States.

7           “(6) REGIONAL JET AIRCRAFT.—The term ‘re-  
8       gional jet aircraft’ means a 2-engine jet aircraft with  
9       a design capacity of 70 or fewer seats, manufactured  
10      after January 1, 1992, that has an effective per-  
11      ceived noise level on takeoff not exceeding 83 deci-  
12      bels when measured according to the procedures de-  
13      scribed in part 36 of title 14, Code of Federal Regu-  
14      lations.

15          “(7) SLOT RULE.—The term ‘slot rule’ means  
16      the requirements of subparts K and S of part 93 of  
17      title 14, Code of Federal Regulations.

18          “(8) SMALL HUB AIRPORT.—The term ‘small  
19      hub airport’ means an airport that each year has at  
20      least .05 percent, but less than .25 percent, of the  
21      total annual boardings in the United States.

22          “(9) UNREASONABLY HIGH AIRFARE.—The  
23      term ‘unreasonably high airfare’, as used with re-  
24      spect to an airport, means that the airfare listed in  
25      the table entitled ‘Top 1,000 City-Pair Market Sum-

1 marized by City’, contained in the Domestic Airline  
 2 Fares Consumer Report of the Department of  
 3 Transportation, for one or more markets for which  
 4 the airport is a part of has an average yield listed  
 5 in such table that is more than 19 cents.”.

6 (2) REGULATORY DEFINITION OF LIMITED IN-  
 7 CUMBENT CARRIER.—The Secretary shall modify the  
 8 definition of the term “limited incumbent carrier” in  
 9 subpart S of part 93 of title 14, Code of Federal  
 10 Regulations, to require an air carrier or commuter  
 11 operator to hold or operate fewer than 20 slots (in-  
 12 stead of 12 slots) to meet the criteria of the defini-  
 13 tion. For purposes of this section, such modification  
 14 shall be treated as in effect on the date of the enact-  
 15 ment of this Act.

16 (d) PROHIBITION ON SLOT WITHDRAWALS.—Section  
 17 41714(b) is amended—

18 (1) in paragraph (2)—

19 (A) by inserting “at O’Hare International  
 20 Airport” after “a slot”; and

21 (B) by striking “if the withdrawal” and all  
 22 that follows before the period; and

23 (2) by striking paragraph (4) and inserting the  
 24 following:

1           “(4) CONVERSION OF SLOTS.—Effective March  
 2           1, 2000, slots at O’Hare International Airport allo-  
 3           cated to an air carrier as of June 15, 1999, to pro-  
 4           vide foreign air transportation shall be made avail-  
 5           able to such carrier to provide interstate or intra-  
 6           state air transportation.”.

7           (e) CONFORMING AMENDMENTS.—Section 41714(c)  
 8           is amended—

9                   (1) by striking “SLOTS FOR NEW ENTRANTS.—  
 10           ” and all that follows through “If the” and inserting  
 11           “SLOTS FOR NEW ENTRANTS.—If the”; and

12                   (2) by striking paragraph (2).

13           (f) AMENDMENTS REFLECTING PHASEOUT OF SLOT  
 14           RULE FOR CERTAIN AIRPORTS.—Effective January 1,  
 15           2007, section 41714 is amended—

16                   (1) by striking subsections (a), (b), (c), (e), (f),  
 17           (g), (h), and (i);

18                   (2) by redesignating subsections (d) and (j) as  
 19           subsections (a) and (b), respectively;

20                   (3) in the heading for subsection (a) (as so re-  
 21           designated) by striking “SPECIAL RULES FOR”; and

22                   (4) by adding at the end the following:

23           “(c) DEFINITIONS.—

24                   “(1) NONHUB AIRPORT.—The term ‘nonhub  
 25           airport’ means an airport that each year has less

1       than .05 percent of the total annual boardings in the  
2       United States.

3               “(2) REGIONAL JET AIRCRAFT.—The term ‘re-  
4       gional jet aircraft’ means a 2-engine jet aircraft with  
5       a design capacity of 70 or fewer seats, manufactured  
6       after January 1, 1992, that has an effective per-  
7       ceived noise level on takeoff not exceeding 83 deci-  
8       bels when measured according to the procedures de-  
9       scribed in part 36 of title 14, Code of Federal Regu-  
10      lations.

11              “(3) SLOT.—The term ‘slot’ means a reserva-  
12      tion for an instrument flight rule takeoff or landing  
13      by an air carrier or an aircraft in air transpor-  
14      tation.”.

15              “(4) SLOT RULE.—The term ‘slot rule’ means  
16      the requirements of subparts K and S of part 93 of  
17      title 14, Code of Federal Regulations (pertaining to  
18      slots at high density airports).

19              “(5) SMALL HUB AIRPORT.—The term ‘small  
20      hub airport’ means an airport that each year has at  
21      least .05 percent, but less than .25 percent, of the  
22      total annual boardings in the United States.

23              “(6) UNREASONABLY HIGH AIRFARE.—The  
24      term ‘unreasonably high airfare’, as used with re-  
25      spect to an airport, means that the airfare listed in

1 the table entitled ‘Top 1,000 City-Pair Market Sum-  
 2 marized by City’, contained in the Domestic Airline  
 3 Fares Consumer Report of the Department of  
 4 Transportation, for one or more markets for which  
 5 the airport is a part of has an average yield listed  
 6 in such table that is more than 19 cents.”.

7 **SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIR-**  
 8 **PORTS NOT RECEIVING SUFFICIENT SERV-**  
 9 **ICE.**

10 (a) FUNDING FOR AIRPORTS NOT RECEIVING SUFFI-  
 11 CIENT SERVICE.—Chapter 417 is amended by adding at  
 12 the end the following:

13 **“§ 41743. Airports not receiving sufficient service**

14 “(a) TYPES OF ASSISTANCE.—The Secretary of  
 15 Transportation may use amounts made available under  
 16 this section—

17 “(1) to provide assistance to an air carrier to  
 18 subsidize service to and from an underserved airport  
 19 for a period not to exceed 3 years;

20 “(2) to provide assistance to an underserved  
 21 airport to obtain jet aircraft service (and to promote  
 22 passenger use of that service) to and from the un-  
 23 derserved airport; and

24 “(3) to provide assistance to an underserved  
 25 airport to implement such other measures as the

1 Secretary, in consultation with such airport, con-  
2 sider appropriate to improve air service both in  
3 terms of the cost of such service to consumers and  
4 the availability of such service, including improving  
5 air service through marketing and promotion of air  
6 service and enhanced utilization of airport facilities.

7 “(b) PRIORITY CRITERIA FOR ASSISTING AIRPORTS  
8 NOT RECEIVING SUFFICIENT SERVICE.—In providing as-  
9 sistance to airports under subsection (a), the Secretary  
10 shall give priority to those airports for which a community  
11 will provide, from local sources (other than airport reve-  
12 nues), a portion of the cost of the activity to be assisted.

13 “(c) DEFINITIONS.—In this section, the following  
14 definitions apply:

15 “(1) UNDERSERVED AIRPORT.—The term ‘un-  
16 derserved airport’ means a nonhub airport or small  
17 hub airport (as such terms are defined in section  
18 41731) that—

19 “(A) the Secretary determines is not re-  
20 ceiving sufficient air carrier service; or

21 “(B) has unreasonably high airfares.

22 “(2) UNREASONABLY HIGH AIRFARE.—The  
23 term ‘unreasonably high airfare’, as used with re-  
24 spect to an airport, means that the airfare listed in  
25 the table entitled ‘Top 1,000 City-Pair Market Sum-

1 marized by City’, contained in the Domestic Airline  
2 Fares Consumer Report of the Department of  
3 Transportation, for one or more markets for which  
4 the airport is a part of has an average yield listed  
5 in such table that is more than 19 cents.

6 “(d) AUTHORITY TO MAKE AGREEMENTS AND  
7 INCUR OBLIGATIONS.—

8 “(1) IN GENERAL.—The Secretary may make  
9 agreements and incur obligations from the Airport  
10 and Airway Trust Fund to provide assistance under  
11 this section. An agreement by the Secretary under  
12 this subsection is a contractual obligation of the  
13 Government to pay the Government’s share of the  
14 compensation. Contract authority made available by  
15 this paragraph shall be subject to an obligation limi-  
16 tation.

17 “(2) AMOUNTS MADE AVAILABLE.—There shall  
18 be available to the Secretary out of the Fund not  
19 more than \$25,000,000 for each of fiscal years 2000  
20 through 2004 to incur obligations under this section.  
21 Amounts made available under this section shall re-  
22 main available until expended.”.

23 (c) CONFORMING AMENDMENT.—The analysis for  
24 chapter 417 is amended by adding at the end the fol-  
25 lowing:

“41743. Airports not receiving sufficient service.”.

1 **SEC. 203. WAIVER OF LOCAL CONTRIBUTION.**

2 Section 41736(b) is amended by adding at the end  
3 the following:

4 “Paragraph (4) shall not apply to any place for which a  
5 proposal was approved or that was designated as eligible  
6 under this section in the period beginning on October 1,  
7 1991, and ending on December 31, 1997.”.

8 **SEC. 204. POLICY FOR AIR SERVICE TO RURAL AREAS.**

9 Section 40101(a) is amended by adding at the end  
10 the following:

11 “(16) ensuring that consumers in all regions of  
12 the United States, including those in small commu-  
13 nities and rural and remote areas, have access to af-  
14 fordable, regularly scheduled air service.”.

15 **SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIR-**  
16 **PORT.**

17 The Secretary of Transportation shall not deny as-  
18 sistance with respect to a place under subchapter II of  
19 chapter 417 of title 49, United States Code, solely on the  
20 basis that the place is located within 70 highway miles  
21 of a hub airport (as defined by section 41731 of such title)  
22 if the most commonly used highway route between the  
23 place and the hub airport exceeds 70 miles.



1     **Subtitle B—Regional Air Service**  
2                     **Incentive Program**

3     **SEC. 211. ESTABLISHMENT OF REGIONAL AIR SERVICE IN-**  
4                     **CENTIVE PROGRAM.**

5             (a) IN GENERAL.—Chapter 417 is amended by add-  
6     ing at the end the following:

7             “SUBCHAPTER III—REGIONAL AIR SERVICE  
8                     INCENTIVE PROGRAM

9     “§ 41761. **Purpose**

10            “The purpose of this subchapter is to improve service  
11     by jet aircraft to underserved markets by providing assist-  
12     ance, in the form of Federal credit instruments, to com-  
13     muter air carriers that purchase regional jet aircraft for  
14     use in serving those markets.

15    “§ 41762. **Definitions**

16            “In this subchapter, the following definitions apply:

17                “(1) AIR CARRIER.—The term ‘air carrier’  
18     means any air carrier holding a certificate of public  
19     convenience and necessity issued by the Secretary of  
20     Transportation under section 41102.

21                “(2) AIRCRAFT PURCHASE.—The term ‘aircraft  
22     purchase’ means the purchase of commercial trans-  
23     port aircraft, including spare parts normally associ-  
24     ated with the aircraft.

1           “(3) CAPITAL RESERVE SUBSIDY AMOUNT.—

2           The term ‘capital reserve subsidy amount’ means the  
3           amount of budget authority sufficient to cover esti-  
4           mated long-term cost to the United States Govern-  
5           ment of a Federal credit instrument, calculated on  
6           a net present value basis, excluding administrative  
7           costs and any incidental effects on government re-  
8           ceipts or outlays in accordance with provisions of the  
9           Federal Credit Reform Act of 1990 (2 U.S.C. 661  
10          et seq.).

11          “(4) COMMUTER AIR CARRIER.—The term  
12          ‘commuter air carrier’ means an air carrier that pri-  
13          marily operates aircraft designed to have a max-  
14          imum passenger seating capacity of 75 or less in ac-  
15          cordance with published flight schedules.

16          “(5) FEDERAL CREDIT INSTRUMENT.—The  
17          term ‘Federal credit instrument’ means a secured  
18          loan, loan guarantee, or line of credit authorized to  
19          be made under this subchapter.

20          “(6) FINANCIAL OBLIGATION.—The term ‘fi-  
21          nancial obligation’ means any note, bond, debenture,  
22          or other debt obligation issued by an obligor in con-  
23          nection with the financing of an aircraft purchase,  
24          other than a Federal credit instrument.

1           “(7) LENDER.—The term ‘lender’ means any  
2           non-Federal qualified institutional buyer (as defined  
3           by section 230.144A(a) of title 17, Code of Federal  
4           Regulations (or any successor regulation) known as  
5           Rule 144A(a) of the Security and Exchange Com-  
6           mission and issued under the Security Act of 1933  
7           (15 U.S.C. 77a et seq.)), including—

8           “(A) a qualified retirement plan (as de-  
9           fined in section 4974(c) of the Internal Revenue  
10          Code of 1986) that is a qualified institutional  
11          buyer; and

12          “(B) a governmental plan (as defined in  
13          section 414(d) of the Internal Revenue Code of  
14          1986) that is a qualified institutional buyer.

15          “(8) LINE OF CREDIT.—The term ‘line of cred-  
16          it’ means an agreement entered into by the Sec-  
17          retary with an obligor under section 41763(d) to  
18          provide a direct loan at a future date upon the oc-  
19          currence of certain events.

20          “(9) LOAN GUARANTEE.—The term ‘loan guar-  
21          antee’ means any guarantee or other pledge by the  
22          Secretary under section 41763(c) to pay all or part  
23          of any of the principal of and interest on a loan or  
24          other debt obligation issued by an obligor and fund-  
25          ed by a lender.

1           “(10) NEW ENTRANT AIR CARRIER.—The term  
2           ‘new entrant air carrier’ means an air carrier that  
3           has been providing air transportation according to a  
4           published schedule for less than 5 years, including  
5           any person that has received authority from the Sec-  
6           retary to provide air transportation but is not pro-  
7           viding air transportation.

8           “(11) NONHUB AIRPORT.—The term ‘nonhub  
9           airport’ means an airport that each year has less  
10          than .05 percent of the total annual boardings in the  
11          United States.

12          “(12) OBLIGOR.—The term ‘obligor’ means a  
13          party primarily liable for payment of the principal of  
14          or interest on a Federal credit instrument, which  
15          party may be a corporation, partnership, joint ven-  
16          ture, trust, or governmental entity, agency, or in-  
17          strumentality.

18          “(13) REGIONAL JET AIRCRAFT.—The term ‘re-  
19          gional jet aircraft’ means a civil aircraft—

20                 “(A) powered by jet propulsion; and

21                 “(B) designed to have a maximum pas-  
22                 senger seating capacity of not less than 30 nor  
23                 more than 75.

24          “(14) SECURED LOAN.—The term ‘secured  
25          loan’ means a direct loan funded by the Secretary in

1 connection with the financing of an aircraft purchase  
2 under section 41763(b).

3 “(15) SMALL HUB AIRPORT.—The term ‘small  
4 hub airport’ means an airport that each year has at  
5 least .05 percent, but less than .25 percent, of the  
6 total annual boardings in the United States.

7 “(16) UNDERSERVED MARKET.—The term ‘un-  
8 derserved market’ means a passenger air transpor-  
9 tation market (as defined by the Secretary) that—

10 “(A) is served (as determined by the Sec-  
11 retary) by a nonhub airport or a small hub air-  
12 port;

13 “(B) is not within a 40-mile radius of an  
14 airport that each year has at least .25 percent  
15 of the total annual boardings in the United  
16 States; and

17 “(C) the Secretary determines does not  
18 have sufficient air service.

19 **“§ 41763. Federal credit instruments**

20 “(a) IN GENERAL.—Subject to this section, the Sec-  
21 retary of Transportation may enter into agreements with  
22 one or more obligors to make available Federal credit in-  
23 struments, the proceeds of which shall be used to finance  
24 aircraft purchases.

25 “(b) SECURED LOANS.—

1 “(1) TERMS AND LIMITATIONS.—

2 “(A) IN GENERAL.—A secured loan under  
3 this section with respect to an aircraft purchase  
4 shall be on such terms and conditions and con-  
5 tain such covenants, representatives, warran-  
6 ties, and requirements (including requirements  
7 for audits) as the Secretary determines appro-  
8 priate.

9 “(B) MAXIMUM AMOUNT.—No secured  
10 loan may be made under this section—

11 “(i) that extends to more than 50 per-  
12 cent of the purchase price (including the  
13 value of any manufacturer credits, post-  
14 purchase options, or other discounts) of  
15 the aircraft, including spare parts, to be  
16 purchased; or

17 “(ii) that, when added to the remain-  
18 ing balance on any other Federal credit in-  
19 struments made under this subchapter,  
20 provides more than \$100,000,000 of out-  
21 standing credit to any single obligor.

22 “(C) FINAL PAYMENT DATE.—The final  
23 payment on the secured loan shall not be due  
24 later than 18 years after the date of execution  
25 of the loan agreement.

1           “(D) SUBORDINATION.—The secured loan  
2           may be subordinate to claims of other holders  
3           of obligations in the event of bankruptcy, insol-  
4           vency, or liquidation of the obligor as deter-  
5           mined appropriate by the Secretary.

6           “(E) FEES.—The Secretary, subject to ap-  
7           propriations, may establish fees at a level suffi-  
8           cient to cover all or a portion of the costs to the  
9           United States Government of making a secured  
10          loan under this section. The proceeds of such  
11          fees shall be deposited in an account to be used  
12          by the Secretary for the purpose of admin-  
13          istering the program established under this sub-  
14          chapter and shall be available upon deposit  
15          until expended.

16          “(2) REPAYMENT.—

17               “(A) SCHEDULE.—The Secretary shall es-  
18               tablish a repayment schedule for each secured  
19               loan under this section based on the projected  
20               cash flow from aircraft revenues and other re-  
21               payment sources.

22               “(B) COMMENCEMENT.—Scheduled loan  
23               repayments of principal and interest on a se-  
24               cured loan under this section shall commence

1 no later than 3 years after the date of execution  
2 of the loan agreement.

3 “(3) PREPAYMENT.—

4 “(A) USE OF EXCESS REVENUE.—After  
5 satisfying scheduled debt service requirements  
6 on all financial obligations and secured loans  
7 and all deposit requirements under the terms of  
8 any trust agreement, bond resolution, or similar  
9 agreement securing financial obligations, the se-  
10 cured loan may be prepaid at anytime without  
11 penalty.

12 “(B) USE OF PROCEEDS OF REFI-  
13 NANCING.—The secured loan may be prepaid at  
14 any time without penalty from proceeds of refi-  
15 nancing from non-Federal funding sources.

16 “(c) LOAN GUARANTEES.—

17 “(1) IN GENERAL.—A loan guarantee under  
18 this section with respect to a loan made for an air-  
19 craft purchase shall be made in such form and on  
20 such terms and conditions and contain such cov-  
21 enants, representatives, warranties, and require-  
22 ments (including requirements for audits) as the  
23 Secretary determines appropriate.

24 “(2) MAXIMUM AMOUNT.—No loan guarantee  
25 shall be made under this section—



1           “(A) that extends to more than the unpaid  
2           interest and 50 percent of the unpaid principal  
3           on any loan;

4           “(B) that, for any loan or combination of  
5           loans, extends to more than 50 percent of the  
6           purchase price (including the value of any man-  
7           ufacturer credits, post-purchase options, or  
8           other discounts) of the aircraft, including spare  
9           parts, to be purchased with the loan or loan  
10          combination;

11          “(C) on any loan with respect to which  
12          terms permit repayment more than 15 years  
13          after the date of execution of the loan; or

14          “(D) that, when added to the remaining  
15          balance on any other Federal credit instruments  
16          made under this subchapter, provides more  
17          than \$100,000,000 of outstanding credit to any  
18          single obligor.

19          “(3) FEES.—The Secretary, subject to appro-  
20          priations, may establish fees at a level sufficient to  
21          cover all or a portion of the costs to the United  
22          States Government of making a loan guarantee  
23          under this section. The proceeds of such fees shall  
24          be deposited in an account to be used by the Sec-  
25          retary for the purpose of administering the program

1 established under this subchapter and shall be avail-  
2 able upon deposit until expended.

3 “(d) LINES OF CREDIT.—

4 “(1) IN GENERAL.—Subject to the require-  
5 ments of this subsection, the Secretary may enter  
6 into agreements to make available lines of credit to  
7 one or more obligors in the form of direct loans to  
8 be made by the Secretary at future dates on the oc-  
9 currence of certain events for any aircraft purchase  
10 selected under this section.

11 “(2) TERMS AND LIMITATIONS.—

12 “(A) IN GENERAL.—A line of credit under  
13 this subsection with respect to an aircraft pur-  
14 chase shall be on such terms and conditions and  
15 contain such covenants, representatives, war-  
16 ranties, and requirements (including require-  
17 ments for audits) as the Secretary determines  
18 appropriate.

19 “(B) MAXIMUM AMOUNT.—

20 “(i) TOTAL AMOUNT.—The amount of  
21 any line of credit shall not exceed 50 per-  
22 cent of the purchase price (including the  
23 value of any manufacturer credits, post-  
24 purchase options, or other discounts) of  
25 the aircraft, including spare parts.

1                   “(ii) 1-YEAR DRAWS.—The amount  
2                   drawn in any year shall not exceed 20 per-  
3                   cent of the total amount of the line of  
4                   credit.

5                   “(C) DRAWS.—Any draw on the line of  
6                   credit shall represent a direct loan.

7                   “(D) PERIOD OF AVAILABILITY.—The line  
8                   of credit shall be available not more than 5  
9                   years after the aircraft purchase date.

10                  “(E) RIGHTS OF THIRD-PARTY CREDI-  
11                  TORS.—

12                   “(i) AGAINST UNITED STATES GOV-  
13                   ERNMENT.—A third-party creditor of the  
14                   obligor shall not have any right against the  
15                   United States Government with respect to  
16                   any draw on the line of credit.

17                   “(ii) ASSIGNMENT.—An obligor may  
18                   assign the line of credit to one or more  
19                   lenders or to a trustee on the lender’s be-  
20                   half.

21                   “(F) SUBORDINATION.—A direct loan  
22                   under this subsection may be subordinate to  
23                   claims of other holders of obligations in the  
24                   event of bankruptcy, insolvency, or liquidation

1 of the obligor as determined appropriate by the  
2 Secretary.

3 “(G) FEES.—The Secretary, subject to ap-  
4 propriations, may establish fees at a level suffi-  
5 cient to cover all of a portion of the costs to the  
6 United States Government of providing a line of  
7 credit under this subsection. The proceeds of  
8 such fees shall be deposited in an account to be  
9 used by the Secretary for the purpose of admin-  
10 istering the program established under this sub-  
11 chapter and shall be available upon deposit  
12 until expended.

13 “(3) REPAYMENT.—

14 “(A) SCHEDULE.—The Secretary shall es-  
15 tablish a repayment schedule for each direct  
16 loan under this subsection.

17 “(B) COMMENCEMENT.—Scheduled loan  
18 repayments of principal or interest on a direct  
19 loan under this subsection shall commence no  
20 later than 3 years after the date of the first  
21 draw on the line of credit and shall be repaid,  
22 with interest, not later than 18 years after the  
23 date of the first draw.

24 “(e) RISK ASSESSMENT.—Before entering into an  
25 agreement under this section to make available a Federal

1 credit instrument, the Secretary, in consultation with the  
2 Director of the Office of Management and Budget, shall  
3 determine an appropriate capital reserve subsidy amount  
4 for the Federal credit instrument based on such credit  
5 evaluations as the Secretary deems necessary.

6 “(f) CONDITIONS.—Subject to subsection (h), the  
7 Secretary may only make a Federal credit instrument  
8 available under this section if the Secretary finds that—

9 “(1) the aircraft to be purchased with the Fed-  
10 eral credit instrument is a regional jet aircraft need-  
11 ed to improve the service and efficiency of operation  
12 of a commuter air carrier or new entrant air carrier;

13 “(2) the commuter air carrier or new entrant  
14 air carrier enters into a legally binding agreement  
15 that requires the carrier to use the aircraft to pro-  
16 vide service to underserved markets; and

17 “(3) the prospective earning power of the com-  
18 muter air carrier or new entrant air carrier, together  
19 with the character and value of the security pledged,  
20 including the collateral value of the aircraft being  
21 acquired and any other assets or pledges used to se-  
22 cure the Federal credit instrument, furnish—

23 “(A) reasonable assurances of the air car-  
24 rier’s ability and intention to repay the Federal

1 credit instrument within the terms established  
2 by the Secretary—

3 “(i) to continue its operations as an  
4 air carrier; and

5 “(ii) to the extent that the Secretary  
6 determines to be necessary, to continue its  
7 operations as an air carrier between the  
8 same route or routes being operated by the  
9 air carrier at the time of the issuance of  
10 the Federal credit instrument; and

11 “(B) reasonable protection to the United  
12 States.

13 “(g) LIMITATION ON COMBINED AMOUNT OF FED-  
14 ERAL CREDIT INSTRUMENTS.—The Secretary shall not  
15 allow the combined amount of Federal credit instruments  
16 available for any aircraft purchase under this section to  
17 exceed—

18 “(1) 50 percent of the cost of the aircraft pur-  
19 chase; or

20 “(2) \$100,000,000 for any single obligor.

21 “(h) REQUIREMENT.—Subject to subsection (i), no  
22 Federal credit instrument may be made under this section  
23 for the purchase of any regional jet aircraft that does not  
24 comply with the stage 3 noise levels of part 36 of title

1 14 of the Code of Federal Regulations, as in effect on Jan-  
2 uary 1, 1999.

3 “(i) OTHER LIMITATIONS.—No Federal credit instru-  
4 ment shall be made by the Secretary under this section  
5 for the purchase of a regional jet aircraft unless the com-  
6 muter air carrier or new entrant air carrier enters into  
7 a legally binding agreement that requires the carrier to  
8 provide scheduled passenger air transportation to the un-  
9 derserved market for which the aircraft is purchased for  
10 a period of not less than 36 consecutive months after the  
11 date that aircraft is placed in service.

12 **“§ 41764. Use of Federal facilities and assistance**

13 “(a) USE OF FEDERAL FACILITIES.—To permit the  
14 Secretary of Transportation to make use of such expert  
15 advice and services as the Secretary may require in car-  
16 rying out this subchapter, the Secretary may use available  
17 services and facilities of other agencies and instrumental-  
18 ities of the United States Government—

19 “(1) with the consent of the appropriate Fed-  
20 eral officials; and

21 “(2) on a reimbursable basis.

22 “(b) ASSISTANCE.—The head of each appropriate de-  
23 partment or agency of the United States Government shall  
24 exercise the duties and powers of that head in such man-

1 ner as to assist in carrying out the policy specified in sec-  
2 tion 41761.

3 “(c) OVERSIGHT.—The Secretary shall make avail-  
4 able to the Comptroller General of the United States such  
5 information with respect to any Federal credit instrument  
6 made under this subchapter as the Comptroller General  
7 may require to carry out the duties of the Comptroller  
8 General under chapter 7 of title 31, United States Code.

9 **“§ 41765. Administrative expenses**

10 “In carrying out this subchapter, the Secretary shall  
11 use funds made available by appropriations to the Depart-  
12 ment of Transportation for the purpose of administration,  
13 in addition to the proceeds of any fees collected under this  
14 subchapter, to cover administrative expenses of the Fed-  
15 eral credit instrument program under this subchapter.

16 **“§ 41766. Funding.**

17 “Of the amounts appropriated under section 106(k)  
18 for each of fiscal years 2001 through 2004, such sums  
19 as may be necessary may be used to carry out this sub-  
20 chapter, including administrative expenses.

21 **“§ 41767. Termination**

22 “(a) AUTHORITY TO ISSUE FEDERAL CREDIT IN-  
23 STRUMENTS.—The authority of the Secretary of Trans-  
24 portation to issue Federal credit instruments under sec-



tion 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

“(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

“Sec.

“41761. Purpose.

“41762. Definitions.

“41763. Federal credit instruments.

“41764. Use of Federal facilities and assistance.

“41765. Administrative expenses.

“41766. Funding.

“41767. Termination.”.

## **TITLE III—FAA MANAGEMENT REFORM**

### **SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.**

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

1           (2) by inserting after paragraph (4) the fol-  
2       lowing:

3           “(5) ‘air traffic control system’ means the com-  
4       bination of elements used to safely and efficiently  
5       monitor, direct, control, and guide aircraft in the  
6       United States and United States-assigned airspace,  
7       including—

8           “(A) allocated electromagnetic spectrum  
9       and physical, real, personal, and intellectual  
10      property assets making up facilities, equipment,  
11      and systems employed to detect, track, and  
12      guide aircraft movement;

13          “(B) laws, regulations, orders, directives,  
14      agreements, and licenses;

15          “(C) published procedures that explain re-  
16      quired actions, activities, and techniques used  
17      to ensure adequate aircraft separation; and

18          “(D) trained personnel with specific tech-  
19      nical capabilities to satisfy the operational, en-  
20      gineering, management, and planning require-  
21      ments for air traffic control.”.

22   **SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT BOARD.**

23       (a) ESTABLISHMENT.—

24           (1) IN GENERAL.—Chapter 1 is amended by  
25      adding at the end the following:

1 **“§ 113. Air Traffic Control Oversight Board**

2       “(a) ESTABLISHMENT.—There is established within  
3 the Department of Transportation an ‘Air Traffic Control  
4 Oversight Board’ (in this section referred to as the ‘Over-  
5 sight Board’).

6       “(b) MEMBERSHIP.—

7               “(1) COMPOSITION.—The Oversight Board  
8 shall be composed of nine members, as follows:

9                       “(A) Six members shall be individuals who  
10 are not otherwise Federal officers or employees  
11 and who are appointed by the President, by and  
12 with the advice and consent of the Senate.

13                      “(B) One member shall be the Secretary of  
14 Transportation or, if the Secretary so des-  
15 ignates, the Deputy Secretary of the Transpor-  
16 tation.

17                      “(C) One member shall be the Adminis-  
18 trator of the Federal Aviation Administration.

19                      “(D) One member shall be an individual  
20 who is appointed by the President, by and with  
21 the advice and consent of the Senate, from  
22 among individuals who are the leaders of their  
23 respective unions of air traffic control system  
24 employees.

25       “(2) QUALIFICATIONS AND TERMS.—

1           “(A) QUALIFICATIONS.—Members of the  
2           Oversight Board described in paragraph (1)(A)  
3           shall—

4                   “(i) have a fiduciary responsibility to  
5                   represent the public interest;

6                   “(ii) be citizens of the United States;  
7                   and

8                   “(iii) be appointed without regard to  
9                   political affiliation and solely on the basis  
10                  of their professional experience and exper-  
11                  tise in one or more of the following areas:

12                           “(I) Management of large service  
13                           organizations.

14                           “(II) Customer service.

15                           “(III) Management of large pro-  
16                           curements.

17                           “(IV) Information and commu-  
18                           nications technology.

19                           “(V) Organizational development.

20                           “(VI) Labor relations.

21           At least three members of the Oversight Board  
22           appointed under paragraph (1)(A) should have  
23           knowledge of, or a background in, aviation. At  
24           least one of such members should have a back-  
25           ground in managing large organizations suc-

1           cessfully. In the aggregate, such members  
2           should collectively bring to bear expertise in all  
3           of the areas described in subclauses (I) through  
4           (VI) of clause (iii).

5           “(B) PROHIBITIONS.—No member of the  
6           Oversight Board described in paragraph (1)(A)  
7           may—

8                   “(i) have a pecuniary interest in, or  
9                   own stock in or bonds of, an aviation or  
10                  aeronautical enterprise;

11                  “(ii) engage in another business re-  
12                  lated to aviation or aeronautics; or

13                  “(iii) be a member of any organization  
14                  that engages, as a substantial part of its  
15                  activities, in activities to influence aviation-  
16                  related legislation.

17           “(C) TERMS FOR AIR TRAFFIC CONTROL  
18           REPRESENTATIVES.—A member appointed  
19           under paragraph (1)(D) shall be appointed for  
20           a term of 3 years, except that the term of such  
21           individual shall end whenever the individual no  
22           longer meets the requirements of paragraph  
23           (1)(D).

24           “(D) TERMS FOR NONFEDERAL OFFICERS  
25           OR EMPLOYEES.—A member appointed under

1 paragraph (1)(A) shall be appointed for a term  
2 of 5 years, except that of the members first ap-  
3 pointed under paragraph (1)(A)—

4 “(i) two members shall be appointed  
5 for a term of 3 years;

6 “(ii) two members shall be appointed  
7 for a term of 4 years; and

8 “(iii) two members shall be appointed  
9 for a term of 5 years.

10 “(E) REAPPOINTMENT.—An individual  
11 may not be appointed under paragraph (1)(A)  
12 to more than two 5-year terms on the Oversight  
13 Board.

14 “(F) VACANCY.—Any vacancy on the Over-  
15 sight Board shall be filled in the same manner  
16 as the original appointment. Any member ap-  
17 pointed to fill a vacancy occurring before the  
18 expiration of the term for which the member’s  
19 predecessor was appointed shall be appointed  
20 for the remainder of that term.

21 “(3) ETHICAL CONSIDERATIONS.—

22 “(A) FINANCIAL DISCLOSURE.—During  
23 the entire period that an individual appointed  
24 under subparagraph (A) or (D) of paragraph  
25 (1) is a member of the Oversight Board, such

1 individual shall be treated as serving as an offi-  
2 cer or employee referred to in section 101(f) of  
3 the Ethics in Government Act of 1978 for pur-  
4 poses of title I of such Act, except that section  
5 101(d) of such Act shall apply without regard  
6 to the number of days of service in the position.

7 “(B) RESTRICTIONS ON POST-EMPLOY-  
8 MENT.—For purposes of section 207(c) of title  
9 18, an individual appointed under subparagraph  
10 (A) or (D) of paragraph (1) shall be treated as  
11 an employee referred to in section  
12 207(c)(2)(A)(i) of such title during the entire  
13 period the individual is a member of the Board,  
14 except that subsections (c)(2)(B) and (f) of sec-  
15 tion 207 of such title shall not apply.

16 “(C) WAIVER.—At the time the President  
17 nominates an individual for appointment as a  
18 member of the Oversight Board under para-  
19 graph (1)(D), the President may waive for the  
20 term of the member any appropriate provision  
21 of chapter 11 of title 18, to the extent such  
22 waiver is necessary to allow the member to par-  
23 ticipate in the decisions of the Board while con-  
24 tinuing to serve as a full-time Federal employee  
25 or a representative of employees. Any such

1           waiver shall not be effective unless a written in-  
2           tent of waiver to exempt such member (and ac-  
3           tual waiver language) is submitted to the Sen-  
4           ate with the nomination of such member.

5           “(4) QUORUM.—Five members of the Oversight  
6           Board shall constitute a quorum. A majority of  
7           members present and voting shall be required for the  
8           Oversight Board to take action.

9           “(5) REMOVAL.—Any member of the Oversight  
10          Board appointed under subparagraph (A) or (D) of  
11          paragraph (1) may be removed for cause by the  
12          President.

13          “(6) CLAIMS.—

14               “(A) IN GENERAL.—A member of the  
15               Oversight Board appointed under subparagraph  
16               (A) or (D) of paragraph (1) shall have no per-  
17               sonal liability under Federal law with respect to  
18               any claim arising out of or resulting from an  
19               act or omission by such member within the  
20               scope of service as a member of the Oversight  
21               Board.

22               “(B) EFFECT ON OTHER LAW.—This para-  
23               graph shall not be construed—

24                       “(i) to affect any other immunity or  
25                       protection that may be available to a mem-



1                   ber of the Oversight Board under applica-  
2                   ble law with respect to such transactions;

3                   “(ii) to affect any other right or rem-  
4                   edy against the United States under appli-  
5                   cable law; or

6                   “(iii) to limit or alter in any way the  
7                   immunities that are available under appli-  
8                   cable law for Federal officers and employ-  
9                   ees.

10               “(c) GENERAL RESPONSIBILITIES.—

11               “(1) OVERSIGHT.—The Oversight Board shall  
12               oversee the Federal Aviation Administration in its  
13               administration, management, conduct, direction, and  
14               supervision of the air traffic control system.

15               “(2) CONFIDENTIALITY.—The Oversight Board  
16               shall ensure that appropriate confidentiality is main-  
17               tained in the exercise of its duties.

18               “(d) SPECIFIC RESPONSIBILITIES.—The Oversight  
19               Board shall have the following specific responsibilities:

20               “(1) STRATEGIC PLANS.—To review, approve,  
21               and monitor achievements under a strategic plan of  
22               the Federal Aviation Administration for the air traf-  
23               fic control system, including the establishment of—

24               “(A) a mission and objectives;

1           “(B) standards of performance relative to  
2           such mission and objectives, including safety,  
3           efficiency, and productivity; and

4           “(C) annual and long-range strategic  
5           plans.

6           “(2) MODERNIZATION AND IMPROVEMENT.—To  
7           review and approve—

8           “(A) methods of the Federal Aviation Ad-  
9           ministration to accelerate air traffic control  
10          modernization and improvements in aviation  
11          safety related to air traffic control; and

12          “(B) procurements of air traffic control  
13          equipment by the Federal Aviation Administra-  
14          tion in excess of \$100,000,000.

15          “(3) OPERATIONAL PLANS.—To review the  
16          operational functions of the Federal Aviation Admin-  
17          istration, including—

18          “(A) plans for modernization of the air  
19          traffic control system;

20          “(B) plans for increasing productivity or  
21          implementing cost-saving measures; and

22          “(C) plans for training and education.

23          “(4) MANAGEMENT.—To—

1           “(A) review and approve the Administra-  
2           tor’s appointment of a Chief Operating Officer  
3           under section 106(r);

4           “(B) review the Administrator’s selection,  
5           evaluation, and compensation of senior execu-  
6           tives of the Federal Aviation Administration  
7           who have program management responsibility  
8           over significant functions of the air traffic con-  
9           trol system;

10          “(C) review and approve the Administra-  
11          tor’s plans for any major reorganization of the  
12          Federal Aviation Administration that would im-  
13          pact on the management of the air traffic con-  
14          trol system;

15          “(D) review and approve the Administra-  
16          tor’s cost accounting and financial management  
17          structure and technologies to help ensure effi-  
18          cient and cost-effective air traffic control oper-  
19          ation; and

20          “(E) review the performance and coopera-  
21          tion of managers responsible for major acquisi-  
22          tion projects, including the ability of the man-  
23          agers to meet schedule and budget targets.

24          “(5) BUDGET.—To—

1           “(A) review and approve the budget re-  
2           quest of the Federal Aviation Administration  
3           related to the air traffic control system pre-  
4           pared by the Administrator;

5           “(B) submit such budget request to the  
6           Secretary of Transportation; and

7           “(C) ensure that the budget request sup-  
8           ports the annual and long-range strategic plans.

9   The Secretary shall submit the budget request referred to  
10 in paragraph (5)(B) for any fiscal year to the President  
11 who shall submit such request, without revision, to the  
12 Committees on Transportation and Infrastructure and  
13 Appropriations of the House of Representatives and the  
14 Committees on Commerce, Science, and Transportation  
15 and Appropriations of the Senate, together with the Presi-  
16 dent’s annual budget request for the Federal Aviation Ad-  
17 ministration for such fiscal year.

18       “(e) REPORTING OF OVERTURNING OF BOARD DECI-  
19 SIONS.—If the Secretary or Administrator overturns a de-  
20 cision of the Oversight Board, the Secretary or Adminis-  
21 trator, as appropriate shall report such action to the Presi-  
22 dent, the Committee on Transportation and Infrastructure  
23 of the House of Representatives, and the Committee on  
24 Commerce, Science, and Transportation of the Senate.

25       “(f) BOARD PERSONNEL MATTERS.—

1 “(1) COMPENSATION OF MEMBERS.—

2 “(A) IN GENERAL.—Each member of the  
3 Oversight Board who—

4 “(i) appointed under subsection  
5 (b)(1)(A); or

6 “(ii) appointed under subsection  
7 (b)(1)(D) and is not otherwise a Federal  
8 officer or employee,

9 shall be compensated at a rate of \$30,000 per  
10 year. All other members shall serve without  
11 compensation for such service.

12 “(B) CHAIRPERSON.—Notwithstanding  
13 subparagraph (A), the chairperson of the Over-  
14 sight Board shall be compensated at a rate of  
15 \$50,000 per year.

16 “(2) TRAVEL EXPENSES.—

17 “(A) IN GENERAL.—The members of the  
18 Oversight Board shall be allowed travel ex-  
19 penses, including per diem in lieu of subsist-  
20 ence, at rates authorized for employees of agen-  
21 cies under subchapter I of chapter 57 of title 5,  
22 to attend meetings of the Oversight Board and,  
23 with the advance approval of the chairperson of  
24 the Oversight Board, while otherwise away from  
25 their homes or regular places of business for

1 purposes of duties as a member of the Over-  
2 sight Board.

3 “(B) REPORT.—The Oversight Board shall  
4 include in its annual report under subsection  
5 (g)(3)(A) information with respect to the travel  
6 expenses allowed for members of the Oversight  
7 Board under this paragraph.

8 “(3) STAFF.—

9 “(A) IN GENERAL.—The chairperson of  
10 the Oversight Board may appoint and terminate  
11 any personnel that may be necessary to enable  
12 the Board to perform its duties.

13 “(B) DETAIL OF GOVERNMENT EMPLOY-  
14 EES.—Upon request of the chairperson of the  
15 Oversight Board, a Federal agency shall detail  
16 a United States Government employee to the  
17 Oversight Board without reimbursement. Such  
18 detail shall be without interruption or loss of  
19 civil service status or privilege.

20 “(4) PROCUREMENT OF TEMPORARY AND  
21 INTERMITTENT SERVICES.—The chairperson of the  
22 Oversight Board may procure temporary and inter-  
23 mittent services under section 3109(b) of title 5,  
24 United States Code.

25 “(g) ADMINISTRATIVE MATTERS.—

1 “(1) CHAIR.—

2 “(A) TERM.—The members of the Over-  
3 sight Board shall elect for a 2-year term a  
4 chairperson from among the members ap-  
5 pointed under subsection (b)(1)(A).

6 “(B) POWERS.—Except as otherwise pro-  
7 vided by a majority vote of the Oversight  
8 Board, the powers of the chairperson shall  
9 include—

10 “(i) establishing committees;

11 “(ii) setting meeting places and times;

12 “(iii) establishing meeting agendas;

13 and

14 “(iv) developing rules for the conduct  
15 of business.

16 “(2) MEETINGS.—The Oversight Board shall  
17 meet at least quarterly and at such other times as  
18 the chairperson determines appropriate.

19 “(3) REPORTS.—

20 “(A) ANNUAL.—The Oversight Board shall  
21 each year report with respect to the conduct of  
22 its responsibilities under this title to the Presi-  
23 dent, the Committee on Transportation and In-  
24 frastructure of the House of Representatives,

1 and the Committee on Commerce, Science, and  
2 Transportation of the Senate.

3 “(B) ADDITIONAL REPORT.—Upon a de-  
4 termination by the Oversight Board under sub-  
5 section (c)(1) that the organization and oper-  
6 ation of the Federal Aviation Administration’s  
7 air traffic control system are not allowing the  
8 Federal Aviation Administration to carry out its  
9 mission, the Oversight Board shall report such  
10 determination to the Committee on Transpor-  
11 tation and Infrastructure of the House of Rep-  
12 resentatives and the Committee on Commerce,  
13 Science, and Transportation of the Senate.

14 “(C) COMPTROLLER GENERAL’S RE-  
15 PORT.—Not later than April 30, 2004, the  
16 Comptroller General of the United States shall  
17 transmit to the Committee on Transportation  
18 and Infrastructure of the House of Representa-  
19 tives and the Committee on Commerce, Science,  
20 and Transportation of the Senate a report on  
21 the success of the Oversight Board in improving  
22 the performance of the air traffic control sys-  
23 tem.”.



1           (2) CONFORMING AMENDMENT.—The analysis  
2           for chapter 1 is amended by adding at the end the  
3           following:

“113. Air Traffic Control Oversight Board.”.

4           (b) EFFECTIVE DATES.—

5           (1) IN GENERAL.—The amendments made by  
6           this section shall take effect on the date of the en-  
7           actment of this Act.

8           (2) INITIAL NOMINATIONS TO AIR TRAFFIC  
9           CONTROL OVERSIGHT BOARD.—The President shall  
10          submit the initial nominations of the air traffic con-  
11          trol oversight board to the Senate not later than 3  
12          months after the date of the enactment of this Act.

13          (3) EFFECT ON ACTIONS PRIOR TO APPOINT-  
14          MENT OF OVERSIGHT BOARD.—Nothing in this sec-  
15          tion shall be construed to invalidate the actions and  
16          authority of the Federal Aviation Administration  
17          prior to the appointment of the members of the Air  
18          Traffic Control Oversight Board.

19 **SEC. 303. CHIEF OPERATING OFFICER.**

20          Section 106 is amended by adding at the end the fol-  
21          lowing:

22          “(r) CHIEF OPERATING OFFICER.—

23                  “(1) IN GENERAL.—

24                          “(A) APPOINTMENT.—There shall be a  
25                  Chief Operating Officer for the air traffic con-

1           trol system to be appointed by the Adminis-  
2           trator, with approval of the Air Traffic Control  
3           Oversight Board established by section 113.  
4           The Chief Operating Officer shall report di-  
5           rectly to the Administrator and shall be subject  
6           to the authority of the Administrator.

7           “(B) QUALIFICATIONS.—The Chief Oper-  
8           ating Officer shall have a demonstrated ability  
9           in management and knowledge of or experience  
10          in aviation.

11          “(C) TERM.—The Chief Operating Officer  
12          shall be appointed for a term of 5 years.

13          “(D) REMOVAL.—The Chief Operating Of-  
14          ficer shall serve at the pleasure of the Adminis-  
15          trator, except that the Administrator shall  
16          make every effort to ensure stability and con-  
17          tinuity in the leadership of the air traffic con-  
18          trol system.

19          “(E) VACANCY.—Any individual appointed  
20          to fill a vacancy in the position of Chief Oper-  
21          ating Officer occurring before the expiration of  
22          the term for which the individual’s predecessor  
23          was appointed shall be appointed for the re-  
24          mainder of that term.

1           “(2) ANNUAL PERFORMANCE AGREEMENT.—  
2       The Administrator and the Chief Operating Officer,  
3       in consultation with the Air Traffic Control Over-  
4       sight Board, shall enter into an annual performance  
5       agreement that sets forth measurable organization  
6       and individual goals for the Chief Operating Officer  
7       in key operational areas. The agreement shall be  
8       subject to review and renegotiation on an annual  
9       basis.

10           “(3) ANNUAL PERFORMANCE REPORT.—The  
11       Chief Operating Officer shall prepare and submit to  
12       the Secretary of Transportation and Congress an  
13       annual management report containing such informa-  
14       tion as may be prescribed by the Secretary.”.

15 **SEC. 304. FEDERAL AVIATION MANAGEMENT ADVISORY**  
16 **COUNCIL.**

17       (a) MEMBERSHIP.—Section 106(p)(2)(C) is amended  
18 to read as follows:

19           “(C) 13 members representing aviation in-  
20       terests, appointed by—

21           “(i) in the case of initial appointments  
22       to the Council, the President by and with  
23       the advice and consent of the Senate; and

1 “(ii) in the case of subsequent ap-  
2 pointments to the Council, the Secretary of  
3 Transportation.”.

4 (b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i)  
5 is amended by striking “by the President”.

6 **SEC. 305. ENVIRONMENTAL STREAMLINING.**

7 (a) COORDINATED ENVIRONMENTAL REVIEW PROC-  
8 ESS.—

9 (1) DEVELOPMENT AND IMPLEMENTATION.—  
10 The Secretary shall develop and implement a coordi-  
11 nated environmental review process for aviation in-  
12 frastructure projects that require—

13 (A) the preparation of an environmental  
14 impact statement or environmental assessment  
15 under the National Environmental Policy Act of  
16 1969 (42 U.S.C. 4321 et seq.), except that the  
17 Secretary may decide not to apply this section  
18 to the preparation of an environmental assess-  
19 ment under such Act; or

20 (B) the conduct of any other environ-  
21 mental review, analysis, opinion, or issuance of  
22 an environmental permit, license, or approval by  
23 operation of Federal law.

24 (2) MEMORANDUM OF UNDERSTANDING.—

1           (A) IN GENERAL.—The coordinated envi-  
2           ronmental review process for each project shall  
3           ensure that, whenever practicable (as specified  
4           in this section), all environmental reviews, anal-  
5           yses, opinions, and any permits, licenses, or ap-  
6           provals that must be issued or made by any  
7           Federal agency for the project concerned shall  
8           be conducted concurrently and completed within  
9           a cooperatively determined time period. Such  
10          process for a project or class of project may be  
11          incorporated into a memorandum of under-  
12          standing between the Department of Transpor-  
13          tation and Federal agencies (and, where appro-  
14          priate, State agencies).

15          (B) ESTABLISHMENT OF TIME PERIODS.—  
16          In establishing the time period referred to in  
17          subparagraph (A), and any time periods for re-  
18          view within such period, the Department and all  
19          such agencies shall take into account their re-  
20          spective resources and statutory commitments.

21          (b) ELEMENTS OF COORDINATED ENVIRONMENTAL  
22          REVIEW PROCESS.—For each project, the coordinated en-  
23          vironmental review process established under this section  
24          shall provide, at a minimum, for the following elements:

1           (1) FEDERAL AGENCY IDENTIFICATION.—The  
2       Secretary shall, at the earliest possible time, identify  
3       all potential Federal agencies that—

4           (A) have jurisdiction by law over environ-  
5       mental-related issues that may be affected by  
6       the project and the analysis of which would be  
7       part of any environmental document required  
8       by the National Environmental Policy Act of  
9       1969 (42 U.S.C. 4321 et seq.); or

10          (B) may be required by Federal law to  
11       independently—

12           (i) conduct an environmental-related  
13       review or analysis; or

14           (ii) determine whether to issue a per-  
15       mit, license, or approval or render an opin-  
16       ion on the environmental impact of the  
17       project.

18          (2) TIME LIMITATIONS AND CONCURRENT RE-  
19       VIEW.—The Secretary and the head of each Federal  
20       agency identified under paragraph (1)—

21           (A)(i) shall jointly develop and establish  
22       time periods for review for—

23           (I) all Federal agency comments with  
24       respect to any environmental review docu-  
25       ments required by the National Environ-

1           mental Policy Act of 1969 (42 U.S.C.  
2           4321 et seq.) for the project; and

3                   (II) all other independent Federal  
4           agency environmental analyses, reviews,  
5           opinions, and decisions on any permits, li-  
6           censes, and approvals that must be issued  
7           or made for the project,

8           whereby each such Federal agency's review  
9           shall be undertaken and completed within such  
10          established time periods for review; or

11                   (ii) may enter into an agreement to estab-  
12          lish such time periods for review with respect to  
13          a class of project; and

14                   (B) shall ensure, in establishing such time  
15          periods for review, that the conduct of any such  
16          analysis, review, opinion, and decision is under-  
17          taken concurrently with all other environmental  
18          reviews for the project, including the reviews re-  
19          quired by the National Environmental Policy  
20          Act of 1969 (42 U.S.C. 4321 et seq.); except  
21          that such review may not be concurrent if the  
22          affected Federal agency can demonstrate that  
23          such concurrent review would result in a signifi-  
24          cant adverse impact to the environment or sub-  
25          stantively alter the operation of Federal law or

1           would not be possible without information de-  
2           veloped as part of the environmental review  
3           process.

4           (3) FACTORS TO BE CONSIDERED.—Time peri-  
5           ods for review established under this section shall be  
6           consistent with the time periods established by the  
7           Council on Environmental Quality under sections  
8           1501.8 and 1506.10 of title 40, Code of Federal  
9           Regulations.

10          (4) EXTENSIONS.—The Secretary shall extend  
11          any time periods for review under this section if,  
12          upon good cause shown, the Secretary and any Fed-  
13          eral agency concerned determine that additional time  
14          for analysis and review is needed as a result of new  
15          information that has been discovered that could not  
16          reasonably have been anticipated when the Federal  
17          agency's time periods for review were established.  
18          Any memorandum of understanding shall be modi-  
19          fied to incorporate any mutually agreed-upon exten-  
20          sions.

21          (c) DISPUTE RESOLUTION.—When the Secretary de-  
22          termines that a Federal agency which is subject to a time  
23          period for its environmental review or analysis under this  
24          section has failed to complete such review, analysis, opin-  
25          ion, or decision on issuing any permit, license, or approval



1 within the established time period or within any agreed-  
2 upon extension to such time period, the Secretary may,  
3 after notice and consultation with such agency, close the  
4 record on the matter before the Secretary. If the Secretary  
5 finds, after timely compliance with this section, that an  
6 environmental issue related to the project that an affected  
7 Federal agency has jurisdiction over by operation of Fed-  
8 eral law has not been resolved, the Secretary and the head  
9 of the Federal agency shall resolve the matter not later  
10 than 30 days after the date of the finding by the Sec-  
11 retary.

12 (d) PARTICIPATION OF STATE AGENCIES.—For any  
13 project eligible for assistance under chapter 471 of title  
14 49, United States Code, a State, by operation of State  
15 law, may require that all State agencies that have jurisdic-  
16 tion by State or Federal law over environmental-related  
17 issues that may be affected by the project, or that are  
18 required to issue any environmental-related reviews, anal-  
19 yses, opinions, or determinations on issuing any permits,  
20 licenses, or approvals for the project, be subject to the co-  
21 ordinated environmental review process established under  
22 this section unless the Secretary determines that a State's  
23 participation would not be in the public interest. For a  
24 State to require State agencies to participate in the review

1 process, all affected agencies of the State shall be subject  
2 to the review process.

3 (e) ASSISTANCE TO AFFECTED FEDERAL AGEN-  
4 CIES.—

5 (1) IN GENERAL.—The Secretary may approve  
6 a request by a State or other recipient of assistance  
7 under chapter 471 of title 49, United States Code,  
8 to provide funds made available from the Airport  
9 and Airway Trust Fund to the State or recipient for  
10 an aviation project subject to the coordinated envi-  
11 ronmental review process established under this sec-  
12 tion to affected Federal agencies to provide the re-  
13 sources necessary to meet any time limits estab-  
14 lished under this section.

15 (2) AMOUNTS.—Such requests under paragraph  
16 (1) shall be approved only—

17 (A) for the additional amounts that the  
18 Secretary determines are necessary for the af-  
19 fected Federal agencies to meet the time limits  
20 for environmental review; and

21 (B) if such time limits are less than the  
22 customary time necessary for such review.

23 (f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

24 (1) JUDICIAL REVIEW.—Nothing in this section  
25 shall affect the reviewability of any final Federal

1       agency action in a court of the United States or in  
2       the court of any State.

3               (2) SAVINGS CLAUSE.—Nothing in this section  
4       shall affect the applicability of the National Environ-  
5       mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
6       or any other Federal environmental statute or affect  
7       the responsibility of any Federal officer to comply  
8       with or enforce any such statute.

9               (g) FEDERAL AGENCY DEFINED.—In this section,  
10      the term “Federal agency” means any Federal agency or  
11      any State agency carrying out affected responsibilities re-  
12      quired by operation of Federal law.

13      **SEC. 306. CLARIFICATION OF REGULATORY APPROVAL**  
14                                      **PROCESS.**

15      Section 106(f)(3)(B)(i) is amended—

16               (1) by striking “\$100,000,000” each place it  
17      appears and inserting “\$250,000,000”;

18               (2) by striking “Air Traffic Management Sys-  
19      tem Performance Improvement Act of 1996” and in-  
20      serting “Aviation Investment and Reform Act for  
21      the 21st Century”;

22               (3) in subclause (I)—

23                       (A) by inserting “substantial and” before  
24      “material”; and

1 (B) by inserting “or” after the semicolon  
2 at the end; and

3 (4) by striking subclauses (II), (III), and (IV)  
4 and inserting the following:

5 “(II) raise novel or significant legal or  
6 policy issues arising out of legal mandates  
7 that may substantially and materially af-  
8 fect other transportation modes.”.

9 **SEC. 307. INDEPENDENT STUDY OF FAA COSTS AND ALLO-**  
10 **CATIONS.**

11 (a) INDEPENDENT ASSESSMENT.—

12 (1) IN GENERAL.—The Inspector General of  
13 the Department of Transportation shall conduct the  
14 assessments described in this section. To conduct  
15 the assessments, the Inspector General may use the  
16 staff and resources of the Inspector General or con-  
17 tract with one or more independent entities.

18 (2) ASSESSMENT OF ADEQUACY AND ACCURACY  
19 OF FAA COST DATA AND ATTRIBUTIONS.—

20 (A) IN GENERAL.—The Inspector General  
21 shall conduct an assessment to ensure that the  
22 method for calculating the overall costs of the  
23 Federal Aviation Administration and attrib-  
24 uting such costs to specific users is appropriate,  
25 reasonable, and understandable to the users.

1 (B) COMPONENTS.—In conducting the as-  
2 sessment under this paragraph, the Inspector  
3 General shall assess the following:

4 (i) The Federal Aviation Administra-  
5 tion's cost input data, including the reli-  
6 ability of the Federal Aviation Administra-  
7 tion's source documents and the integrity  
8 and reliability of the Federal Aviation Ad-  
9 ministration's data collection process.

10 (ii) The Federal Aviation Administra-  
11 tion's system for tracking assets.

12 (iii) The Federal Aviation Administra-  
13 tion's bases for establishing asset values  
14 and depreciation rates.

15 (iv) The Federal Aviation Administra-  
16 tion's system of internal controls for ensur-  
17 ing the consistency and reliability of re-  
18 ported data.

19 (v) The Federal Aviation Administra-  
20 tion's definition of the services to which  
21 the Federal Aviation Administration ulti-  
22 mately attributes its costs.

23 (vi) The cost pools used by the Fed-  
24 eral Aviation Administration and the ra-  
25 tionale for and reliability of the bases

1 which the Federal Aviation Administration  
2 proposes to use in allocating costs of serv-  
3 ices to users.

4 (C) REQUIREMENTS FOR ASSESSMENT OF  
5 COST POOLS.—In carrying out subparagraph  
6 (B)(vi), the Inspector General shall—

7 (i) review costs that cannot reliably be  
8 attributed to specific Federal Aviation Ad-  
9 ministration services or activities (called  
10 “common and fixed costs” in the Federal  
11 Aviation Administration Cost Allocation  
12 Study) and consider alternative methods  
13 for allocating such costs; and

14 (ii) perform appropriate tests to as-  
15 sess relationships between costs in the var-  
16 ious cost pools and activities and services  
17 to which the costs are attributed by the  
18 Federal Aviation Administration.

19 (3) COST EFFECTIVENESS.—

20 (A) IN GENERAL.—The Inspector General  
21 shall assess the progress of the Federal Avia-  
22 tion Administration in cost and performance  
23 management, including use of internal and ex-  
24 ternal benchmarking in improving the perform-

1           ance and productivity of the Federal Aviation  
2           Administration.

3                   (B) ANNUAL REPORTS.—Not later than  
4           December 31, 2000, and annually thereafter  
5           until December 31, 2004, the Inspector General  
6           shall transmit to Congress an updated report  
7           containing the results of the assessment con-  
8           ducted under this paragraph.

9                   (C) INFORMATION TO BE INCLUDED IN  
10          FAA FINANCIAL REPORT.—The Administrator  
11          shall include in the annual financial report of  
12          the Federal Aviation Administration informa-  
13          tion on the performance of the Administration  
14          sufficient to permit users and others to make  
15          an informed evaluation of the progress of the  
16          Administration in increasing productivity.

17          (b) FUNDING.—Of the amounts appropriated pursu-  
18          ant to section 106(k) of title 49, United States Code, for  
19          fiscal year 2000, not to exceed \$1,500,000 may be used  
20          to carry out this section.

21   **SEC. 308. FAILURE TO MEET RULEMAKING DEADLINE.**

22          Section 106(f)(3)(A) is amended by adding at the end  
23          the following: “If the Administrator does not meet a dead-  
24          line specified in this subparagraph, the Administrator  
25          shall transmit to Congress notification of the missed dead-

1 line, including an explanation for missing the deadline and  
2 a projected date on which the action that was subject to  
3 the deadline will be taken.”.

4 **SEC. 309. FEDERAL PROCUREMENT INTEGRITY ACT.**

5       Section 348(b)(2) of the Department of Transpor-  
6 tation and Related Agencies Appropriations Act, 1996 (49  
7 U.S.C. 40110 note; 109 Stat. 460) is amended by striking  
8 the period and inserting the following: “, other than sec-  
9 tion 27 of the Office of Federal Procurement Policy Act  
10 (41 U.S.C. 423); except that subsections (f) and (g) of  
11 such section 27 shall not apply to the Federal Aviation  
12 Administration’s acquisition management system. Within  
13 90 days following the date of the enactment of the Avia-  
14 tion Investment and Reform Act for the 21st Century, the  
15 Administrator of the Federal Aviation Administration  
16 shall adopt definitions for the acquisition management  
17 system that are consistent with the purpose and intent of  
18 this section and that will allow the application of the crimi-  
19 nal, civil and administrative remedies provided. The Ad-  
20 ministrator shall have the authority to take an adverse  
21 personnel action provided in subsection (e)(3)(A)(iv) of  
22 such section 27, but shall take any such actions in accord-  
23 ance with the procedures contained in the Federal Avia-  
24 tion Administration’s personnel management system.”.



1     **TITLE IV—FAMILY ASSISTANCE**

2     **SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPOR-**  
3             **TATION SAFETY BOARD.**

4             (a) PROHIBITION ON UNSOLICITED COMMUNICA-  
5     TIONS.—

6                 (1) IN GENERAL.—Section 1136(g)(2) is  
7     amended—

8                     (A) by striking “transportation,” and in-  
9                     serting “transportation and in the event of an  
10                    accident involving a foreign air carrier that oc-  
11                    curs within the United States,”;

12                    (B) by inserting after “attorney” the fol-  
13                    lowing: “(including any associate, agent, em-  
14                    ployee, or other representative of an attorney)”;  
15                    and

16                    (C) by striking “30th day” and inserting  
17                    “45th day”.

18                 (2) ENFORCEMENT.—Section 1151 is amended  
19     by inserting “1136(g)(2),” before “or 1155(a)” each  
20     place it appears.

21             (b) PROHIBITION ON ACTIONS TO PREVENT MENTAL  
22     HEALTH AND COUNSELING SERVICES.—Section 1136(g)  
23     is amended by adding at the end the following:

24                     “(3) PROHIBITION ON ACTIONS TO PREVENT  
25     MENTAL HEALTH AND COUNSELING SERVICES.—No

1 State or political subdivision may prevent the em-  
2 ployees, agents, or volunteers of an organization des-  
3 igned for an accident under subsection (a)(2) from  
4 providing mental health and counseling services  
5 under subsection (c)(1) in the 30-day period begin-  
6 ning on the date of the accident. The director of  
7 family support services designated for the accident  
8 under subsection (a)(1) may extend such period for  
9 not to exceed an additional 30 days if the director  
10 determines that the extension is necessary to meet  
11 the needs of the families and if State and local au-  
12 thorities are notified of the determination.”.

13 (c) INCLUSION OF NONREVENUE PASSENGERS IN  
14 FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is  
15 amended to read as follows:

16 “(2) PASSENGER.—The term ‘passenger’  
17 includes—

18 “(A) an employee of an air carrier or for-  
19 eign air carrier aboard an aircraft; and

20 “(B) any other person aboard the aircraft  
21 without regard to whether the person paid for  
22 the transportation, occupied a seat, or held a  
23 reservation for the flight.”.

1 (d) LIMITATION ON STATUTORY CONSTRUCTION.—

2 Section 1136 is amended by adding at the end the fol-  
3 lowing:

4 “(i) LIMITATION ON STATUTORY CONSTRUCTION.—

5 Nothing in this section may be construed as limiting the  
6 actions that an air carrier may take, or the obligations  
7 that an air carrier may have, in providing assistance to  
8 the families of passengers involved in an aircraft acci-  
9 dent.”.

10 **SEC. 402. AIR CARRIER PLANS.**

11 (a) CONTENTS OF PLANS.—

12 (1) FLIGHT RESERVATION INFORMATION.—Sec-  
13 tion 41113(b) is amended by adding at the end the  
14 following:

15 “(14) An assurance that, upon request of the  
16 family of a passenger, the air carrier will inform the  
17 family of whether the passenger’s name appeared on  
18 a preliminary passenger manifest for the flight in-  
19 volved in the accident.”.

20 (2) TRAINING OF EMPLOYEES AND AGENTS.—

21 Section 41113(b) is further amended by adding at  
22 the end the following:

23 “(15) An assurance that the air carrier will  
24 provide adequate training to the employees and

1 agents of the carrier to meet the needs of survivors  
2 and family members following an accident.”.

3 (3) CONSULTATION ON CARRIER RESPONSE NOT  
4 COVERED BY PLAN.—Section 41113(b) is further  
5 amended by adding at the end the following:

6 “(16) An assurance that the air carrier, in the  
7 event that the air carrier volunteers assistance to  
8 United States citizens within the United States in  
9 the case of an aircraft accident outside the United  
10 States involving major loss of life, the air carrier will  
11 consult with the Board and the Department of State  
12 on the provision of the assistance.”.

13 (4) SUBMISSION OF UPDATED PLANS.—The  
14 amendments made by paragraphs (1), (2), and (3)  
15 shall take effect on the 180th day following the date  
16 of the enactment of this Act. On or before such  
17 180th day, each air carrier holding a certificate of  
18 public convenience and necessity under section  
19 41102 of title 49, United States Code, shall submit  
20 to the Secretary of Transportation and the Chair-  
21 man of the National Transportation Safety Board  
22 an updated plan under section 41113 of such title  
23 that meets the requirement of the amendments made  
24 by paragraphs (1), (2), and (3).

1           (5) CONFORMING AMENDMENTS.—Section  
2   41113 is amended—

3           (A) in subsection (a) by striking “Not later  
4   than 6 months after the date of the enactment  
5   of this section, each air carrier” and inserting  
6   “Each air carrier”; and

7           (B) in subsection (c) by striking “After the  
8   date that is 6 months after the date of the en-  
9   actment of this section, the Secretary” and in-  
10   serting “The Secretary”.

11       (b) LIMITATION ON LIABILITY.—Section 41113(d) is  
12   amended by inserting “, or in providing information con-  
13   cerning a flight reservation,” before “pursuant to a plan”.

14       (c) LIMITATION ON STATUTORY CONSTRUCTION.—  
15   Section 41113 is amended by adding at the end the fol-  
16   lowing:

17       “(f) LIMITATION ON STATUTORY CONSTRUCTION.—  
18   Nothing in this section may be construed as limiting the  
19   actions that an air carrier may take, or the obligations  
20   that an air carrier may have, in providing assistance to  
21   the families of passengers involved in an aircraft acci-  
22   dent.”.

1 **SEC. 403. FOREIGN AIR CARRIER PLANS.**

2 (a) INCLUSION OF NONREVENUE PASSENGERS IN  
3 FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is  
4 amended to read as follows:

5 “(2) PASSENGER.—The term ‘passenger’ has  
6 the meaning given such term by section 1136 of this  
7 title.”.

8 (b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—  
9 Section 41313(b) is amended by striking “significant” and  
10 inserting “major”.

11 (c) CONTENTS OF PLANS.—

12 (1) IN GENERAL.—Section 41313(c) is amend-  
13 ed by adding at the end the following:

14 “(15) TRAINING OF EMPLOYEES AND  
15 AGENTS.—An assurance that the foreign air carrier  
16 will provide adequate training to the employees and  
17 agents of the carrier to meet the needs of survivors  
18 and family members following an accident.

19 “(16) CONSULTATION ON CARRIER RESPONSE  
20 NOT COVERED BY PLAN.—An assurance that the  
21 foreign air carrier, in the event that the foreign air  
22 carrier volunteers assistance to United States citi-  
23 zens within the United States in the case of an air-  
24 craft accident outside the United States involving  
25 major loss of life, the foreign air carrier will consult

1 with the Board and the Department of State on the  
2 provision of the assistance.”.

3 (2) SUBMISSION OF UPDATED PLANS.—The  
4 amendment made by paragraph (1) shall take effect  
5 on the 180th day following the date of the enact-  
6 ment of this Act. On or before such 180th day, each  
7 foreign air carrier providing foreign air transpor-  
8 tation under chapter 413 of title 49, United States  
9 Code, shall submit to the Secretary of Transpor-  
10 tation and the Chairman of the National Transpor-  
11 tation Safety Board an updated plan under section  
12 41313 of such title that meets the requirement of  
13 the amendment made by paragraph (1).

14 **SEC. 404. APPLICABILITY OF DEATH ON THE HIGH SEAS**  
15 **ACT.**

16 (a) IN GENERAL.—Section 40120(a) is amended by  
17 inserting “(including the Act entitled ‘An Act relating to  
18 the maintenance of actions for death on the high seas and  
19 other navigable waters’, approved March 30, 1920, com-  
20 monly known as the Death on the High Seas Act (46  
21 U.S.C. App. 761–767; 41 Stat. 537–538))” after “United  
22 States”.

23 (b) APPLICABILITY.—The amendment made by sub-  
24 section (a) applies to civil actions commenced after the  
25 date of the enactment of this Act and to civil actions that

1 are not adjudicated by a court of original jurisdiction or  
2 settled on or before such date of the enactment.

## 3 **TITLE V—SAFETY**

### 4 **SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-** 5 **LINES.**

6 (a) IN GENERAL.—The Administrator shall require  
7 by regulation that, no later than December 31, 2002,  
8 equipment be installed, on each cargo aircraft with a max-  
9 imum certificated takeoff weight in excess of 15,000 kilo-  
10 grams, that provides protection from mid-air collisions  
11 using technology that provides—

12 (1) cockpit based collision detection and conflict  
13 resolution guidance, including display of traffic; and

14 (2) a margin of safety of at least the same level  
15 as provided by the collision avoidance system known  
16 as TCAS–II.

17 (b) EXTENSION OF DEADLINE.—The Administrator  
18 may extend the deadline established by subsection (a) by  
19 not more than 2 years if the Administrator finds that the  
20 extension is needed to promote—

21 (1) a safe and orderly transition to the oper-  
22 ation of a fleet of cargo aircraft equipped with colli-  
23 sion avoidance equipment; or

24 (2) other safety or public interest objectives.



1 **SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLI-**  
2 **CANTS.**

3 Section 44936(f) is amended—

4 (1) in paragraph (1)(B) by inserting “(except a  
5 branch of the United States Armed Forces, the Na-  
6 tional Guard, or a reserve component of the United  
7 States Armed Forces)” after “person” the first  
8 place it appears;

9 (2) in paragraph (1)(B)(ii) by striking “indi-  
10 vidual” the first place it appears and inserting “indi-  
11 vidual’s performance as a pilot”;

12 (3) in paragraph (14)(B) by inserting “or from  
13 a foreign government or entity that employed the in-  
14 dividual” after “exists”; and

15 (4) by adding at the end the following:

16 “(15) ELECTRONIC ACCESS TO FAA  
17 RECORDS.—For the purpose of increasing timely and  
18 efficient access to Federal Aviation Administration  
19 records described in paragraph (1), the Adminis-  
20 trator may allow, under terms established by the Ad-  
21 ministrator, a designated individual to have elec-  
22 tronic access to a specified database containing in-  
23 formation about such records.”.

1 **SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EM-**  
2 **PLOYEES.**

3 Section 347(b)(1) of the Department of Transpor-  
4 tation and Related Agencies Appropriations Act, 1996 (49  
5 U.S.C. 106 note; 109 Stat. 460) is amended by inserting  
6 before the semicolon at the end the following: “, including  
7 the provisions for investigation and enforcement as pro-  
8 vided in chapter 12 of title 5, United States Code”.

9 **SEC. 504. SAFETY RISK MITIGATION PROGRAMS.**

10 Section 44701 is further amended by adding at the  
11 end the following:

12 “(g) SAFETY RISK MANAGEMENT PROGRAM GUIDE-  
13 LINES.—The Administrator shall issue guidelines and en-  
14 courage the development of air safety risk mitigation pro-  
15 grams throughout the aviation industry, including self-au-  
16 dits and self-disclosure programs.”.

17 **SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE**  
18 **RULES.**

19 Not later than 30 days after the date of the enact-  
20 ment of this Act, the Administrator shall issue a notice  
21 of proposed rulemaking to develop procedures to protect  
22 air carriers and their employees from civil enforcement ac-  
23 tions under the program known as Flight Operations  
24 Quality Assurance. Not later than 1 year after the last  
25 day of the period for public comment provided for in the

1 notice of proposed rulemaking, the Administrator shall  
2 issue a final rule establishing such procedures.

3 **SEC. 506. SMALL AIRPORT CERTIFICATION.**

4 Not later than 60 days after the date of the enact-  
5 ment of this Act, the Administrator shall issue a notice  
6 of proposed rulemaking on implementing section  
7 44706(a)(2) of title 49, United States Code, relating to  
8 issuance of airport operating certificates for small sched-  
9 uled passenger air carrier operations. Not later than 1  
10 year after the last day of the period for public comment  
11 provided for in the notice of proposed rulemaking, the Ad-  
12 ministrator shall issue a final rule on implementing such  
13 program.

14 **SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.**

15 (a) IN GENERAL.—Chapter 447 is amended by add-  
16 ing at the end the following:

17 **“§ 44725. Life-limited aircraft parts**

18 “(a) IN GENERAL.—The Administrator of the Fed-  
19 eral Aviation Administration shall conduct a rulemaking  
20 proceeding to require the safe disposition of life-limited  
21 parts removed from an aircraft. The rulemaking pro-  
22 ceeding shall ensure that the disposition deter installation  
23 on an aircraft of a life-limited part that has reached or  
24 exceeded its life limits.

1       “(b) SAFE DISPOSITION.—For the purposes of this  
2 section, safe disposition includes any of the following  
3 methods:

4           “(1) The part may be segregated under cir-  
5 cumstances that preclude its installation on an air-  
6 craft.

7           “(2) The part may be permanently marked to  
8 indicate its used life status.

9           “(3) The part may be destroyed in any manner  
10 calculated to prevent reinstallation in an aircraft.

11           “(4) The part may be marked, if practicable, to  
12 include the recordation of hours, cycles, or other air-  
13 worthiness information. If the parts are marked with  
14 cycles or hours of usage, that information must be  
15 updated every time the part is removed from service  
16 or when the part is retired from service.

17           “(5) Any other method approved by the Admin-  
18 istrator.

19       “(c) DEADLINES.—In conducting the rulemaking  
20 proceeding under subsection (a), the Administrator  
21 shall—

22           “(1) not later than 180 days after the date of  
23 the enactment of this section, issue a notice of pro-  
24 posed rulemaking; and

1 “(2) not later than 180 days after the close of  
2 the comment period on the proposed rule, issue a  
3 final rule.

4 “(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No  
5 rule issued under subsection (a) shall require the marking  
6 of parts removed before the effective date of the rules  
7 issued under subsection (a), nor shall any such rule forbid  
8 the installation of an otherwise airworthy life-limited  
9 part.”.

10 (b) CIVIL PENALTY.—Section 46301(a)(3) is  
11 amended—

12 (1) in subparagraph (A) by striking “or” at the  
13 end;

14 (2) in subparagraph (B) by striking the period  
15 at the end and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(C) a violation of section 44725, relating to  
18 the safe disposal of life-limited aircraft parts;”.

19 (c) CONFORMING AMENDMENT.—The analysis for  
20 chapter 447 is further amended by adding at the end the  
21 following:

“44725. Life-limited aircraft parts.”.

22 **SEC. 508. FAA MAY FINE UNRULY PASSENGERS.**

23 (a) IN GENERAL.—Chapter 463 is amended—

24 (1) by redesignating section 46316 as section  
25 46317; and

1           (2) by inserting after section 46315 the fol-  
2       lowing:

3       **“§ 46316. Interference with cabin or flight crew**

4           “(a) CIVIL PENALTY.—An individual who interferes  
5 with the duties or responsibilities of the flight crew or  
6 cabin crew of a civil aircraft, or who poses an imminent  
7 threat to the safety of the aircraft or other individuals on  
8 the aircraft, is liable to the United States Government for  
9 a civil penalty of not more than \$25,000.

10          “(b) BAN ON FLYING.—If the Secretary finds that  
11 an individual has interfered with the duties or responsibil-  
12 ities of the flight crew or cabin crew of a civil aircraft  
13 in a way that poses an imminent threat to the safety of  
14 the aircraft or individuals aboard the aircraft, the indi-  
15 vidual may be banned by the Secretary for a period of  
16 1 year from flying on any aircraft operated by an air car-  
17 rier.

18          “(c) REGULATIONS.—The Secretary shall issue regu-  
19 lations to carry out subsection (b), including establishing  
20 procedures for imposing bans on flying, implementing  
21 such bans, and providing notification to air carriers of the  
22 imposition of such bans.”.

23          (b)       COMPROMISE       AND       SETOFF.—Section  
24 46301(f)(1)(A)(i) is amended by inserting “46316,” be-  
25 fore “or 47107(b)”.

1       (c) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 463 is amended by striking the item relating to  
 3 section 46316 and inserting after the item relating to sec-  
 4 tion 46315 the following:

“46316. Interference with cabin or flight crew.

“46317. General criminal penalty when specific penalty not provided.”.

5 **SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT**  
 6 **SYSTEM.**

7       Not later than March 1, 2000, and annually there-  
 8 after for the next 5 years, the Administrator shall trans-  
 9 mit to the Committee on Transportation and Infrastruc-  
 10 ture of the House of Representatives and the Committee  
 11 on Commerce, Science, and Transportation of the Senate  
 12 a report on the progress of the Federal Aviation Adminis-  
 13 tration in implementing the air transportation oversight  
 14 system. At a minimum, the report shall indicate—

15           (1) any funding or staffing constraints that  
 16 would adversely impact the Administration’s ability  
 17 to fully develop and implement such system;

18           (2) progress in integrating the aviation safety  
 19 data derived from such system’s inspections with ex-  
 20 isting aviation data of the Administration in the  
 21 safety performance analysis system of the Adminis-  
 22 tration; and

23           (3) the Administration’s efforts in collaboration  
 24 with the aviation industry to develop and validate

1 safety performance measures and appropriate risk  
2 weightings for the air transportation oversight sys-  
3 tem.

4 **SEC. 510. AIRPLANE EMERGENCY LOCATORS.**

5 (a) REQUIREMENT.—Section 44712(b) is amended to  
6 read as follows:

7 “(b) NONAPPLICATION.—Subsection (a) does not  
8 apply to—

9 “(1) aircraft when used in scheduled flights by  
10 scheduled air carriers holding certificates issued by  
11 the Secretary of Transportation under subpart II of  
12 this part;

13 “(2) aircraft when used in training operations  
14 conducted entirely within a 50-mile radius of the air-  
15 port from which the training operations begin;

16 “(3) aircraft when used in flight operations re-  
17 lated to the design and testing, manufacture, prepa-  
18 ration, and delivery of aircraft;

19 “(4) aircraft when used in research and devel-  
20 opment if the aircraft holds a certificate from the  
21 Administrator of the Federal Aviation Administra-  
22 tion to carry out such research and development;

23 “(5) aircraft when used in showing compliance  
24 with regulations crew training, exhibition, air racing,  
25 or market surveys;



1 “(6) aircraft when used in the aerial application  
2 of a substance for an agricultural purpose;

3 “(7) aircraft with a maximum payload capacity  
4 of more than 7,500 pounds when used in air trans-  
5 portation; or

6 “(8) aircraft capable of carrying only one indi-  
7 vidual.”.

8 (b) COMPLIANCE.—Section 44712 is amended by re-  
9 designating subsection (c) as subsection (d) and by insert-  
10 ing after subsection (b) the following:

11 “(c) COMPLIANCE.—An aircraft meets the require-  
12 ment of subsection (a) if it is equipped with an emergency  
13 locator transmitter that transmits on the 121.5/243 mega-  
14 hertz frequency or the 406 megahertz frequency, or with  
15 other equipment approved by the Secretary for meeting  
16 the requirement of subsection (a).”.

17 (c) EFFECTIVE DATE; REGULATIONS.—

18 (1) REGULATIONS.—The Secretary of Trans-  
19 portation shall issue regulations under section  
20 44712(b) of title 49, United States Code, as amend-  
21 ed by this section not later than January 1, 2002.

22 (2) EFFECTIVE DATE.—The amendments made  
23 by this section shall take effect on January 1, 2002.

24 **SEC. 511. LANDFILLS INTERFERING WITH AIR COMMERCE.**

25 (a) FINDINGS.—Congress finds that—

1           (1) collisions between aircraft and birds have  
2       resulted in fatal accidents;

3           (2) bird strikes pose a special danger to smaller  
4       aircraft;

5           (3) landfills near airports pose a potential haz-  
6       ard to aircraft operating there because they attract  
7       birds;

8           (4) even if the landfill is not located in the ap-  
9       proach path of the airport's runway, it still poses a  
10      hazard because of the birds' ability to fly away from  
11      the landfill and into the path of oncoming planes;

12          (5) while certain mileage limits have the poten-  
13      tial to be arbitrary, keeping landfills at least 6 miles  
14      away from an airport, especially an airport served by  
15      small planes, is an appropriate minimum require-  
16      ment for aviation safety; and

17          (6) closure of existing landfills (due to concerns  
18      about aviation safety) should be avoided because of  
19      the likely disruption to those who use and depend on  
20      such landfills.

21      (b)   LIMITATION   ON   CONSTRUCTION.—Section  
22   44718(d) is amended to read as follows:

23      “(d)   LIMITATION   ON   CONSTRUCTION   OF   LAND-  
24   FILLS.—

1           “(1) IN GENERAL.—No person shall construct  
 2           or establish a landfill within 6 miles of an airport  
 3           primarily served by general aviation aircraft or air-  
 4           craft designed for 60 passengers or less unless the  
 5           State aviation agency of the State in which the air-  
 6           port is located requests that the Administrator of  
 7           the Federal Aviation Administration exempt the  
 8           landfill from this prohibition and the Administrator,  
 9           in response to such a request, determines that the  
 10          landfill would not have an adverse impact on avia-  
 11          tion safety.

12           “(2) LIMITATION ON APPLICABILITY.—Para-  
 13          graph (1) shall not apply to construction or estab-  
 14          lishment of a landfill if a permit relating to con-  
 15          struction or establishment of such landfill was issued  
 16          on or before June 1, 1999.”.

17          (c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION  
 18          ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3)  
 19          is further amended by adding at the end the following:

20           “(D) a violation of section 41718(d), relating to  
 21          limitation on construction of landfills; or”.

22          **SEC. 512. AMENDMENT OF STATUTE PROHIBITING THE**  
 23                               **BRINGING OF HAZARDOUS SUBSTANCES**  
 24                               **ABOARD AN AIRCRAFT.**

25          Section 46312 is amended—

1 (1) by striking “A person” and inserting “(a)  
2 GENERAL.—A person”; and

3 (2) by adding at the end the following:

4 “(b) KNOWLEDGE OF REGULATIONS.—For purposes  
5 of subsection (a), knowledge by the person of the existence  
6 of a regulation or requirement related to the transpor-  
7 tation of hazardous material prescribed by the Secretary  
8 under this part is not an element of an offense under this  
9 section but shall be considered in mitigation of the pen-  
10 alty.”.

11 **SEC. 513. AIRPORT SAFETY NEEDS.**

12 The Administrator shall initiate a rulemaking pro-  
13 ceeding to consider revisions of part 139 of title 14, Code  
14 of Federal Regulations, to meet current and future airport  
15 safety needs—

16 (1) focusing, but not limited to, on the mission  
17 of rescue personnel, rescue operations response time,  
18 and extinguishing equipment; and

19 (2) taking into account the need for different  
20 requirements for airports depending on their size.

21 **SEC. 514. LIMITATION ON ENTRY INTO MAINTENANCE IM-**  
22 **PLEMENTATION PROCEDURES.**

23 The Administrator may not enter into any mainte-  
24 nance implementation procedure through a bilateral avia-  
25 tion safety agreement unless the Administrator determines

1 that the participating nations are inspecting repair sta-  
2 tions so as to ensure their compliance with the standards  
3 of the Federal Aviation Administration.

4 **SEC. 515. OCCUPATIONAL INJURIES OF AIRPORT WORK-**  
5 **ERS.**

6 (a) STUDY.—The Administrator shall conduct a  
7 study to determine the number of persons working at air-  
8 ports who are injured or killed as a result of being struck  
9 by a moving vehicle while on an airport tarmac, the seri-  
10 ousness of the injuries to such persons, and whether or  
11 not reflective safety vests or other actions should be re-  
12 quired to enhance the safety of such workers.

13 (b) REPORT.—Not later than 1 year after the date  
14 of the enactment of this Act, the Administrator shall  
15 transmit to Congress a report on the results of the study  
16 conducted under this section.

17 **SEC. 516. AIRPORT DISPATCHERS.**

18 (a) STUDY.—The Administrator shall conduct a  
19 study of the role of airport dispatchers in enhancing avia-  
20 tion safety. The study shall include an assessment of  
21 whether or not aircraft dispatchers should be required for  
22 those operations not presently requiring aircraft dis-  
23 patcher assistance, operational control issues related to  
24 the aircraft dispatching function, and whether or not des-  
25 ignation of positions within the Federal Aviation Adminis-

1 tration for oversight of dispatchers would enhance aviation  
2 safety.

3 (b) REPORT.—Not later than 1 year after the date  
4 of the enactment of this Act, the Administrator shall  
5 transmit to Congress a report on the results of the study  
6 conducted under this section.

7 **SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POW-**  
8 **ERPLANT MECHANICS.**

9 The Administrator shall form a partnership with in-  
10 dustry to develop a model program to improve the cur-  
11 riculum, teaching methods, and quality of instructors for  
12 training individuals that need certification as airframe and  
13 powerplant mechanics.

14 **TITLE VI—WHISTLEBLOWER**  
15 **PROTECTION**

16 **SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR**  
17 **SAFETY INFORMATION.**

18 (a) GENERAL RULE.—Chapter 421 is amended by  
19 adding at the end the following:

20 “SUBCHAPTER III—WHISTLEBLOWER  
21 PROTECTION PROGRAM

22 “§ 42121. **Protection of employees providing air safety**  
23 **information**

24 “(a) DISCRIMINATION AGAINST AIRLINE EMPLOY-  
25 EES.—No air carrier or contractor or subcontractor of an

1 air carrier may discharge an employee or otherwise dis-  
2 criminate against an employee with respect to compensa-  
3 tion, terms, conditions, or privileges of employment be-  
4 cause the employee (or any person acting pursuant to a  
5 request of the employee)—

6           “(1) provided, caused to be provided, or is  
7       about to provide (with any knowledge of the em-  
8       ployer) or cause to be provided to the employer or  
9       Federal Government information relating to any vio-  
10      lation or alleged violation of any order, regulation,  
11      or standard of the Federal Aviation Administration  
12      or any other provision of Federal law relating to air  
13      carrier safety under this subtitle or any other law of  
14      the United States;

15           “(2) has filed, caused to be filed, or is about to  
16      file (with any knowledge of the employer) or cause  
17      to be filed a proceeding relating to any violation or  
18      alleged violation of any order, regulation, or stand-  
19      ard of the Federal Aviation Administration or any  
20      other provision of Federal law relating to air carrier  
21      safety under this subtitle or any other law of the  
22      United States;

23           “(3) testified or is about to testify in such a  
24      proceeding; or

1           “(4) assisted or participated or is about to as-  
2           sist or participate in such a proceeding.

3           “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-  
4           DURE.—

5           “(1) FILING AND NOTIFICATION.—A person  
6           who believes that he or she has been discharged or  
7           otherwise discriminated against by any person in  
8           violation of subsection (a) may, not later than 90  
9           days after the date on which such violation occurs,  
10          file (or have any person file on his or her behalf) a  
11          complaint with the Secretary of Labor alleging such  
12          discharge or discrimination. Upon receipt of such a  
13          complaint, the Secretary of Labor shall notify, in  
14          writing, the person named in the complaint and the  
15          Administrator of the Federal Aviation Administra-  
16          tion of the filing of the complaint, of the allegations  
17          contained in the complaint, of the substance of evi-  
18          dence supporting the complaint, and of the opportu-  
19          nities that will be afforded to such person under  
20          paragraph (2).

21          “(2) INVESTIGATION; PRELIMINARY ORDER.—

22                 “(A) IN GENERAL.—Not later than 60  
23                 days after the date of receipt of a complaint  
24                 filed under paragraph (1) and after affording  
25                 the person named in the complaint an oppor-



1           tunity to submit to the Secretary of Labor a  
2           written response to the complaint and an oppor-  
3           tunity to meet with a representative of the Sec-  
4           retary to present statements from witnesses,  
5           the Secretary of Labor shall conduct an inves-  
6           tigation and determine whether there is reason-  
7           able cause to believe that the complaint has  
8           merit and notify, in writing, the complainant  
9           and the person alleged to have committed a vio-  
10          lation of subsection (a) of the Secretary's find-  
11          ings. If the Secretary of Labor concludes that  
12          there is a reasonable cause to believe that a vio-  
13          lation of subsection (a) has occurred, the Sec-  
14          retary shall accompany the Secretary's findings  
15          with a preliminary order providing the relief  
16          prescribed by paragraph (3)(B). Not later than  
17          30 days after the date of notification of find-  
18          ings under this paragraph, either the person al-  
19          leged to have committed the violation or the  
20          complainant may file objections to the findings  
21          or preliminary order, or both, and request a  
22          hearing on the record. The filing of such objec-  
23          tions shall not operate to stay any reinstate-  
24          ment remedy contained in the preliminary  
25          order. Such hearings shall be conducted expedi-

1 tiously. If a hearing is not requested in such  
2 30-day period, the preliminary order shall be  
3 deemed a final order that is not subject to judi-  
4 cial review.

5 “(B) REQUIREMENTS.—

6 “(i) REQUIRED SHOWING BY COM-  
7 PLAINANT.—The Secretary of Labor shall  
8 dismiss a complaint filed under this sub-  
9 section and shall not conduct an investiga-  
10 tion otherwise required under subpara-  
11 graph (A) unless the complainant makes a  
12 prima facie showing that any behavior de-  
13 scribed in paragraphs (1) through (4) of  
14 subsection (a) was a contributing factor in  
15 the unfavorable personnel action alleged in  
16 the complaint.

17 “(ii) SHOWING BY EMPLOYER.—Not-  
18 withstanding a finding by the Secretary  
19 that the complainant has made the show-  
20 ing required under clause (i), no investiga-  
21 tion otherwise required under subpara-  
22 graph (A) shall be conducted if the em-  
23 ployer demonstrates, by clear and con-  
24 vincing evidence, that the employer would

1 have taken the same unfavorable personnel  
2 action in the absence of that behavior.

3 “(iii) CRITERIA FOR DETERMINATION  
4 BY SECRETARY.—The Secretary may de-  
5 termine that a violation of subsection (a)  
6 has occurred only if the complainant dem-  
7 onstrates that any behavior described in  
8 paragraphs (1) through (4) of subsection  
9 (a) was a contributing factor in the unfa-  
10 vorable personnel action alleged in the  
11 complaint.

12 “(iv) PROHIBITION.—Relief may not  
13 be ordered under subparagraph (A) if the  
14 employer demonstrates by clear and con-  
15 vincing evidence that the employer would  
16 have taken the same unfavorable personnel  
17 action in the absence of that behavior.

18 “(3) FINAL ORDER.—

19 “(A) DEADLINE FOR ISSUANCE; SETTLE-  
20 MENT AGREEMENTS.—Not later than 120 days  
21 after the date of conclusion of a hearing under  
22 paragraph (2), the Secretary of Labor shall  
23 issue a final order providing the relief pre-  
24 scribed by this paragraph or denying the com-  
25 plaint. At any time before issuance of a final

1 order, a proceeding under this subsection may  
2 be terminated on the basis of a settlement  
3 agreement entered into by the Secretary of  
4 Labor, the complainant, and the person alleged  
5 to have committed the violation.

6 “(B) REMEDY.—If, in response to a com-  
7 plaint filed under paragraph (1), the Secretary  
8 of Labor determines that a violation of sub-  
9 section (a) has occurred, the Secretary of Labor  
10 shall order the person who committed such vio-  
11 lation to—

12 “(i) take affirmative action to abate  
13 the violation;

14 “(ii) reinstate the complainant to his  
15 or her former position together with the  
16 compensation (including back pay) and re-  
17 store the terms, conditions, and privileges  
18 associated with his or her employment; and

19 “(iii) provide compensatory damages  
20 to the complainant.

21 If such an order is issued under this paragraph,  
22 the Secretary of Labor, at the request of the  
23 complainant, shall assess against the person  
24 against whom the order is issued a sum equal  
25 to the aggregate amount of all costs and ex-

1           penses (including attorneys' and expert witness  
2           fees) reasonably incurred, as determined by the  
3           Secretary of Labor, by the complainant for, or  
4           in connection with, the bringing the complaint  
5           upon which the order was issued.

6           “(C) FRIVOLOUS COMPLAINTS.—If the  
7           Secretary of Labor finds that a complaint  
8           under paragraph (1) is frivolous or has been  
9           brought in bad faith, the Secretary of Labor  
10          may award to the prevailing employer a reason-  
11          able attorney's fee not exceeding \$5,000.

12          “(4) REVIEW.—

13          “(A) APPEAL TO COURT OF APPEALS.—  
14          Any person adversely affected or aggrieved by  
15          an order issued under paragraph (3) may ob-  
16          tain review of the order in the United States  
17          Court of Appeals for the circuit in which the  
18          violation, with respect to which the order was  
19          issued, allegedly occurred or the circuit in which  
20          the complainant resided on the date of such vio-  
21          lation. The petition for review must be filed not  
22          later than 60 days after the date of the  
23          issuance of the final order of the Secretary of  
24          Labor. Review shall conform to chapter 7 of  
25          title 5, United States Code. The commencement

1 of proceedings under this subparagraph shall  
2 not, unless ordered by the court, operate as a  
3 stay of the order.

4 “(B) LIMITATION ON COLLATERAL AT-  
5 TACK.—An order of the Secretary of Labor  
6 with respect to which review could have been  
7 obtained under subparagraph (A) shall not be  
8 subject to judicial review in any criminal or  
9 other civil proceeding.

10 “(5) ENFORCEMENT OF ORDER BY SECRETARY  
11 OF LABOR.—Whenever any person has failed to com-  
12 ply with an order issued under paragraph (3), the  
13 Secretary of Labor may file a civil action in the  
14 United States district court for the district in which  
15 the violation was found to occur to enforce such  
16 order. In actions brought under this paragraph, the  
17 district courts shall have jurisdiction to grant all ap-  
18 propriate relief including, but not limited to, injunc-  
19 tive relief and compensatory damages.

20 “(6) ENFORCEMENT OF ORDER BY PARTIES.—

21 “(A) COMMENCEMENT OF ACTION.—A per-  
22 son on whose behalf an order was issued under  
23 paragraph (3) may commence a civil action  
24 against the person to whom such order was  
25 issued to require compliance with such order.

1           The appropriate United States district court  
2           shall have jurisdiction, without regard to the  
3           amount in controversy or the citizenship of the  
4           parties, to enforce such order.

5           “(B) ATTORNEY FEES.—The court, in  
6           issuing any final order under this paragraph,  
7           may award costs of litigation (including reason-  
8           able attorney and expert witness fees) to any  
9           party whenever the court determines such  
10          award is appropriate.

11          “(c) MANDAMUS.—Any nondiscretionary duty im-  
12         posed by this section shall be enforceable in a mandamus  
13         proceeding brought under section 1361 of title 28, United  
14         States Code.

15          “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-  
16         TIONS.—Subsection (a) shall not apply with respect to an  
17         employee of an air carrier, contractor, or subcontractor  
18         who, acting without direction from such air carrier, con-  
19         tractor, or subcontractor (or such person’s agent), delib-  
20         erately causes a violation of any requirement relating to  
21         air carrier safety under this subtitle or any other law of  
22         the United States.

23          “(e) CONTRACTOR DEFINED.—In this section, the  
24         term ‘contractor’ means a company that performs safety-  
25         sensitive functions by contract for an air carrier.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 421 is amended by adding at the end the fol-  
 3 lowing:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM  
 “42121. Protection of employees providing air safety information.”.

4 **SEC. 602. CIVIL PENALTY.**

5 Section 46301(a)(1)(A) is amended by striking “sub-  
 6 chapter II of chapter 421” and inserting “subchapter II  
 7 or III of chapter 421”.

8 **TITLE VII—MISCELLANEOUS**  
 9 **PROVISIONS**

10 **SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.**

11 Section 106(g)(1)(A) is amended by striking  
 12 “40113(a), (c), and (d),” and all that follows through  
 13 “45302–45304,” and inserting “40113(a), 40113(c),  
 14 40113(d), 40113(e), 40114(a), and 40119, chapter 445  
 15 (except sections 44501(b), 44502(a)(2), 44502(a)(3),  
 16 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and  
 17 44515), chapter 447 (except sections 44717, 44718(a),  
 18 44718(b), 44719, 44720, 44721(b), 44722, and 44723),  
 19 chapter 449 (except sections 44903(d), 44904, 44905,  
 20 44907–44911, 44913, 44915, and 44931–44934), chapter  
 21 451, chapter 453, sections”.



1 **SEC. 702. PUBLIC AIRCRAFT.**

2 (a) RESTATEMENT OF DEFINITION OF PUBLIC AIR-  
3 CRAFT WITHOUT SUBSTANTIVE CHANGE.—Section  
4 40102(a)(38) (as redesignated by section 301 of this Act)  
5 is amended to read as follows:

6 “(38) ‘public aircraft’ means an aircraft—

7 “(A) used only for the United States Gov-  
8 ernment, and operated under the conditions  
9 specified by section 40125(b) if owned by the  
10 Government;

11 “(B) owned by the United States Govern-  
12 ment, operated by any person for purposes re-  
13 lated to crew training, equipment development,  
14 or demonstration, and operated under the con-  
15 ditions specified by section 40125(b);

16 “(C) owned and operated by the govern-  
17 ment of a State, the District of Columbia, a  
18 territory or possession of the United States, or  
19 a political subdivision of one of these govern-  
20 ments, under the conditions specified by section  
21 40125(c); or

22 “(D) exclusively leased for at least 90 con-  
23 tinuous days by the government of a State, the  
24 District of Columbia, a territory or possession  
25 of the United States, or a political subdivision

1 of one of these governments, under the condi-  
 2 tions specified by section 40125(c).

3 “(E) owned by the armed forces or char-  
 4 tered to provide transportation to the armed  
 5 forces under the conditions specified by section  
 6 40125(d).”.

7 (b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-  
 8 TUS.—

9 (1) IN GENERAL.—Chapter 401 is amended by  
 10 adding at the end the following:

11 **“§ 40125. Qualifications for public aircraft status**

12 “(a) DEFINITIONS.—In this section, the following  
 13 definitions apply:

14 “(1) COMMERCIAL PURPOSES.—The term ‘com-  
 15 mercial purposes’ means the transportation of per-  
 16 sons or property for compensation or hire, but does  
 17 not include the operation of an aircraft by the armed  
 18 forces for reimbursement when that reimbursement  
 19 is required by Federal law or by one government on  
 20 behalf of another government under a cost reim-  
 21 bursement agreement if the government on whose  
 22 behalf the operation is conducted certifies to the Ad-  
 23 ministrator of the Federal Aviation Administration  
 24 that the operation is necessary to respond to a sig-  
 25 nificant and imminent threat to life or property (in-

1 including natural resources) and that no service by a  
2 private operator is reasonably available to meet the  
3 threat.

4 “(2) GOVERNMENTAL FUNCTION.—The term  
5 ‘governmental function’ means an activity under-  
6 taken by a government, such as national defense, in-  
7 telligence missions, firefighting, search and rescue,  
8 law enforcement (including transport of prisoners,  
9 detainees, and illegal aliens), aeronautical research,  
10 or biological or geological resource management.

11 “(3) QUALIFIED NON-CREWMEMBER.—The  
12 term ‘qualified non-crewmember’ means an indi-  
13 vidual, other than a member of the crew, aboard an  
14 aircraft—

15 “(A) operated by the armed forces or an  
16 intelligence agency of the United States Gov-  
17 ernment; or

18 “(B) whose presence is required to per-  
19 form, or is associated with the performance of,  
20 a governmental function.

21 “(4) ARMED FORCES.—The term ‘armed forces’  
22 has the meaning given such term by section 101 of  
23 title 10, United States Code.

24 “(b) AIRCRAFT OWNED BY THE UNITED STATES.—  
25 An aircraft described in subparagraph (A) or (B) of sec-

tion 40102(a)(38), if owned by the Government, qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

“(c) AIRCRAFT OWNED BY STATE AND LOCAL GOVERNMENTS.—An aircraft described in subparagraph (C) or (D) of section 40102(a)(38) qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

“(d) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—An aircraft described in section 40102(38)(E) qualifies as a public aircraft if—

“(1) the aircraft is operated in accordance with title 10; or

“(2) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40125. Qualifications for public aircraft status.”.

(c) SAFETY OF PUBLIC AIRCRAFT.—

1           (1) STUDY.—The National Transportation  
2       Safety Board shall conduct a study to compare the  
3       safety of public aircraft and civil aircraft. In con-  
4       ducting the study, the Board shall review safety sta-  
5       tistics on aircraft operations since 1993.

6           (2) REPORT.—Not later than 6 months after  
7       the date of the enactment of this Act, the National  
8       Transportation Safety Board shall transmit to Con-  
9       gress a report containing the results of the study  
10      conducted under paragraph (1).

11 **SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PRO-**  
12 **POSALS.**

13       Section 40110 is amended by adding at the end the  
14      following:

15       “(d) PROHIBITION ON RELEASE OF OFFEROR PRO-  
16      POSALS.—

17           “(1) GENERAL RULE.—Except as provided in  
18       paragraph (2), a proposal in the possession or con-  
19       trol of the Administrator may not be made available  
20       to any person under section 552 of title 5, United  
21       States Code.

22           “(2) EXCEPTION.—Paragraph (1) shall not  
23       apply to any portion of a proposal of an offeror the  
24       disclosure of which is authorized by the Adminis-  
25       trator pursuant to procedures published in the Fed-

1       eral Register. The Administrator shall provide an  
2       opportunity for public comment on the procedures  
3       for a period of not less than 30 days beginning on  
4       the date of such publication in order to receive and  
5       consider the views of all interested parties on the  
6       procedures. The procedures shall not take effect be-  
7       fore the 60th day following the date of such publica-  
8       tion.

9               “(3) PROPOSAL DEFINED.—In this subsection,  
10       the term ‘proposal’ means information contained in  
11       or originating from any proposal, including a tech-  
12       nical, management, or cost proposal, submitted by  
13       an offeror in response to the requirements of a solici-  
14       tation for a competitive proposal.”.

15   **SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.**

16       Section 40111 is amended—

17               (1) by redesignating subsections (b) through (d)  
18       as subsections (c) through (e), respectively; and

19               (2) by inserting after subsection (a) the fol-  
20       lowing:

21       “(b) TELECOMMUNICATIONS SERVICES.—Notwith-  
22       standing section 1341(a)(1)(B) of title 31, the Adminis-  
23       trator may make a contract of not more than 10 years  
24       for telecommunication services that are provided through

1 the use of a satellite if the Administrator finds that the  
2 longer contract period would be cost beneficial.”.

3 **SEC. 705. FEDERAL AVIATION ADMINISTRATION PER-**  
4 **SONNEL MANAGEMENT SYSTEM.**

5 (a) **MEDIATION.**—Section 40122(a)(2) is amended by  
6 adding at the end the following: “The 60-day period shall  
7 not include any period during which Congress has ad-  
8 journed sine die.”.

9 (b) **RIGHT TO CONTEST ADVERSE PERSONNEL AC-**  
10 **TIONS.**—Section 40122 is amended by adding at the end  
11 the following:

12 “(g) **RIGHT TO CONTEST ADVERSE PERSONNEL AC-**  
13 **TIONS.**—An employee of the Federal Aviation Administra-  
14 tion who is the subject of a major adverse personnel action  
15 may contest the action either through any contractual  
16 grievance procedure that is applicable to the employee as  
17 a member of the collective bargaining unit or through the  
18 Administration’s internal process relating to review of  
19 major adverse personnel actions of the Administration,  
20 known as Guaranteed Fair Treatment or under section  
21 347(c) of the Department of Transportation and Related  
22 Agencies Appropriations Act, 1996.

23 “(h) **ELECTION OF FORUM.**—Where a major adverse  
24 personnel action may be contested through more than one  
25 of the indicated forums (such as the contractual grievance

1 procedure, the Federal Aviation Administration’s internal  
2 process, or that of the Merit Systems Protection Board),  
3 an employee must elect the forum through which the mat-  
4 ter will be contested. Nothing in this section is intended  
5 to allow an employee to contest an action through more  
6 than one forum unless otherwise allowed by law.

7 “(i) DEFINITION.—For purposes of this section, the  
8 term ‘major adverse personnel action’ means a suspension  
9 of more than 14 days, a reduction in pay or grade, a re-  
10 moval for conduct or performance, a nondisciplinary re-  
11 moval, a furlough of 30 days or less (but not including  
12 placement in a nonpay status as the result of a lapse of  
13 appropriations or an enactment by Congress), or a reduc-  
14 tion in force action.”.

15 (c) APPLICABILITY OF MERIT SYSTEMS PROTECTION  
16 BOARD PROVISIONS.—Section 347(b) of the Department  
17 of Transportation and Related Agencies Appropriations  
18 Act, 1996 (109 Stat. 460) is amended—

19 (1) by striking “and” at the end of paragraph  
20 (6);

21 (2) by striking the period at the end of para-  
22 graph (7) and inserting “; and”; and

23 (3) by adding at the end the following:



1           “(8) sections 1204, 1211–1218, 1221, and  
2           7701–7703, relating to the Merit Systems Protec-  
3           tion Board.”.

4           (d) APPEALS TO MERIT SYSTEMS PROTECTION  
5 BOARD.—Section 347(c) of the Department of Transpor-  
6 tation and Related Agencies Appropriations Act, 1996 is  
7 amended to read as follows:

8           “(c) APPEALS TO MERIT SYSTEMS PROTECTION  
9 BOARD.—Under the new personnel management system  
10 developed and implemented under subsection (a), an em-  
11 ployee of the Federal Aviation Administration may submit  
12 an appeal to the Merit Systems Protection Board and may  
13 seek judicial review of any resulting final orders or deci-  
14 sions of the Board from any action that was appealable  
15 to the Board under any law, rule, or regulation as of  
16 March 31, 1996.”.

17 **SEC. 706. NONDISCRIMINATION IN AIRLINE TRAVEL.**

18           (a) DISCRIMINATORY PRACTICES.—Section 41310(a)  
19 is amended to read as follows:

20           “(a) PROHIBITIONS.—

21                 “(1) IN GENERAL.—An air carrier or foreign  
22 air carrier may not subject a person, place, port, or  
23 type of traffic in foreign air transportation to unrea-  
24 sonable discrimination.

1           “(2) DISCRIMINATION AGAINST PERSONS.—An  
2       air carrier or foreign air carrier may not subject a  
3       person in foreign air transportation to discrimina-  
4       tion on the basis of race, color, national origin, reli-  
5       gion, or sex.”.

6       (b) INTERSTATE AIR TRANSPORTATION.—Section  
7       41702 is amended—

8           (1) by striking “An air carrier” and inserting  
9       “(a) SAFE AND ADEQUATE AIR TRANSPOR-  
10      TATION.—An air carrier”; and

11          (2) by adding at the end the following:

12      “(b) DISCRIMINATION AGAINST PERSONS.—An air  
13      carrier may not subject a person in interstate air transpor-  
14      tation to discrimination on the basis of race, color, na-  
15      tional origin, religion, or sex.”.

16      (c) DISCRIMINATION AGAINST HANDICAPPED INDIV-  
17      IDUALS BY FOREIGN AIR CARRIERS.—Section 41705 is  
18      amended—

19          (1) by inserting “(a) GENERAL PROHIBITION.—  
20      ” before “In providing”; and

21          (2) by adding at the end the following:

22      “(b) PROHIBITION APPLICABLE TO FOREIGN AIR  
23      CARRIERS.—Subject to section 40105(b), the prohibition  
24      on discrimination against an otherwise qualified individual

1 set forth in subsection (a) shall apply to a foreign air car-  
2 rier in providing foreign air transportation.”.

3 (d) CIVIL PENALTY FOR VIOLATIONS OF PROHIBI-  
4 TION ON DISCRIMINATION AGAINST THE HANDI-  
5 CAPPED.—Section 46301(a)(3) is further amended by  
6 adding at the end the following:

7 “(E) a violation of section 41705, relating to  
8 discrimination against handicapped individuals.”.

9 (e) INTERNATIONAL AVIATION STANDARDS FOR AC-  
10 COMMODATING THE HANDICAPPED.—The Secretary of  
11 Transportation shall work with appropriate international  
12 organizations and the aviation authorities of other nations  
13 to bring about the establishment of higher standards, if  
14 appropriate, for accommodating handicapped passengers  
15 in air transportation, particularly with respect to foreign  
16 air carriers that code share with domestic air carriers.

17 **SEC. 707. JOINT VENTURE AGREEMENT.**

18 Section 41716(a)(1) is amended by striking “an  
19 agreement entered into by a major air carrier” and insert-  
20 ing “an agreement entered into between two or more  
21 major air carriers”.

22 **SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.**

23 Section 44310 is amended by striking “after” and all  
24 that follows and inserting “after December 31, 2004.”.

1 **SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHOR-**  
2 **ITY.**

3 Section 44502(a) is further amended by adding at  
4 the end the following:

5 “(6) IMPROVEMENTS ON LEASED PROP-  
6 ERTIES.—The Administrator may make improve-  
7 ments to real property leased for no or nominal con-  
8 sideration for an air navigation facility, regardless of  
9 whether the cost of making the improvements ex-  
10 ceeds the cost of leasing the real property, if—

11 “(A) the improvements primarily benefit  
12 the Government;

13 “(B) the improvements are essential for  
14 accomplishment of the mission of the Federal  
15 Aviation Administration; and

16 “(C) the interest of the Government in the  
17 improvements is protected.”.

18 **SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**  
19 **CHICAGO CONVENTION.**

20 Section 44701 is amended by—

21 (1) redesignating subsection (e) as subsection  
22 (f); and

23 (2) by inserting after subsection (d) the fol-  
24 lowing:

25 “(e) BILATERAL EXCHANGES OF SAFETY OVER-  
26 SIGHT RESPONSIBILITIES.—

1           “(1) IN GENERAL.—Notwithstanding the provi-  
2           sions of this chapter, the Administrator, pursuant to  
3           Article 83 bis of the Convention on International  
4           Civil Aviation and by a bilateral agreement with the  
5           aeronautical authorities of another country, may ex-  
6           change with that country all or part of their respec-  
7           tive functions and duties with respect to registered  
8           aircraft under the following articles of the Conven-  
9           tion: Article 12 (Rules of the Air); Article 31 (Cer-  
10          tificates of Airworthiness); or Article 32a (Licenses  
11          of Personnel).

12           “(2) RELINQUISHMENT AND ACCEPTANCE OF  
13          RESPONSIBILITY.—The Administrator relinquishes  
14          responsibility with respect to the functions and du-  
15          ties transferred by the Administrator as specified in  
16          the bilateral agreement, under the Articles listed in  
17          paragraph (1) for United States-registered aircraft  
18          described in paragraph (4)(A) transferred abroad  
19          and accepts responsibility with respect to the func-  
20          tions and duties under those Articles for aircraft  
21          registered abroad and described in paragraph (4)(B)  
22          that are transferred to the United States.

23           “(3) CONDITIONS.—The Administrator may  
24          predicate, in the agreement, the transfer of func-  
25          tions and duties under this subsection on any condi-

1 tions the Administrator deems necessary and pru-  
2 dent, except that the Administrator may not transfer  
3 responsibilities for United States registered aircraft  
4 described in paragraph (4)(A) to a country that the  
5 Administrator determines is not in compliance with  
6 its obligations under international law for the safety  
7 oversight of civil aviation.

8 “(4) REGISTERED AIRCRAFT DEFINED.—In this  
9 subsection, the term ‘registered aircraft’ means—

10 “(A) aircraft registered in the United  
11 States and operated pursuant to an agreement  
12 for the lease, charter, or interchange of the air-  
13 craft or any similar arrangement by an oper-  
14 ator that has its principal place of business or,  
15 if it has no such place of business, its perma-  
16 nent residence in another country; or

17 “(B) aircraft registered in a foreign coun-  
18 try and operated under an agreement for the  
19 lease, charter, or interchange of the aircraft or  
20 any similar arrangement by an operator that  
21 has its principal place of business or, if it has  
22 no such place of business, its permanent resi-  
23 dence in the United States.”.

24 **SEC. 711. PUBLIC AVAILABILITY OF AIRMEN RECORDS.**

25 Section 44703 is amended—

1           (1) by redesignating subsections (c) through (f)  
2           as subsections (d) through (g), respectively; and

3           (2) by inserting after subsection (b) the fol-  
4           lowing:

5           “(c) PUBLIC INFORMATION.—

6           “(1) IN GENERAL.—Subject to paragraph (2)  
7           and notwithstanding any other provision of law, the  
8           information contained in the records of contents of  
9           any airman certificate issued under this section that  
10          is limited to an airman’s name, address, and ratings  
11          held shall be made available to the public after the  
12          120th day following the date of the enactment of the  
13          Aviation Investment and Reform Act for the 21st  
14          Century.

15          “(2) OPPORTUNITY TO WITHHOLD INFORMA-  
16          TION.—Before making any information concerning  
17          an airman available to the public under paragraph  
18          (1), the airman shall be given an opportunity to  
19          elect that the information not be made available to  
20          the public.

21          “(3) DEVELOPMENT AND IMPLEMENTATION OF  
22          PROGRAM.—Not later than 60 days after the date of  
23          the enactment of the Aviation Investment and Re-  
24          form Act for the 21st Century, the Administrator  
25          shall develop and implement, in cooperation with

1       representatives of the aviation industry, a one-time  
2       written notification to airmen to set forth the impli-  
3       cations of making information concerning an airman  
4       available to the public under paragraph (1) and to  
5       carry out paragraph (2).”.

6   **SEC. 712. APPEALS OF EMERGENCY REVOCATIONS OF CER-**  
7                   **TIFICATES.**

8       Section 44709(e) is amended to read as follows:

9       “(e) EFFECTIVENESS OF ORDERS PENDING AP-  
10   PEAL.—

11           “(1) IN GENERAL.—Except as provided in para-  
12       graph (2), if a person files an appeal with the Board  
13       under section (d), the order of the Administrator is  
14       stayed.

15           “(2) EMERGENCIES.—If the Administrator ad-  
16       vises the Board that an emergency exists and safety  
17       in air commerce or air transportation requires the  
18       order to be effective immediately, the order is effec-  
19       tive, except that a person filing an appeal under sub-  
20       section (d) may file a written petition to the Board  
21       for an emergency stay on the issues of the appeal  
22       that are related to the existence of the emergency.  
23       The Board shall have 10 days to review the mate-  
24       rials. If any two members of the Board determine  
25       that sufficient grounds exist to grant a stay, an



1 emergency stay shall be granted. If an emergency  
 2 stay is granted, the Board must meet within 15 days  
 3 of the granting of the stay to make a final disposi-  
 4 tion of the issues related to the existence of the  
 5 emergency.

6 “(3) FINAL DISPOSITION OF APPEAL.—In all  
 7 cases, the Board shall make a final disposition of the  
 8 merits of the appeal not later than 60 days after the  
 9 Administrator advises the Board of the order.”.

10 **SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.**

11 Section 44903 is amended by adding at the end the  
 12 following:

13 “(f) GOVERNMENT AND INDUSTRY CONSORTIA.—  
 14 The Administrator may establish at individual airports  
 15 such consortia of government and aviation industry rep-  
 16 resentatives as the Administrator may designate to pro-  
 17 vide advice on matters related to aviation security and  
 18 safety. Such consortia shall not be considered Federal ad-  
 19 visory committees.”.

20 **SEC. 714. PASSENGER MANIFEST.**

21 Section 44909(a)(2) is amended by striking “shall”  
 22 and inserting “should”.

23 **SEC. 715. COST RECOVERY FOR FOREIGN AVIATION SERV-**  
 24 **ICES.**

25 Section 45301 is amended—

1           (1) by striking subsection (a)(2) and inserting  
2           the following:

3           “(2) Services (other than air traffic control  
4           services) provided to a foreign government or to any  
5           entity obtaining services outside the United States,  
6           except that the Administrator shall not impose fees  
7           in any manner for production-certification related  
8           service performed outside the United States per-  
9           taining to aeronautical products manufactured out-  
10          side the United States.”; and

11          (2) by adding at the end the following:

12          “(d) PRODUCTION-CERTIFICATION RELATED SERV-  
13          ICE DEFINED.—In this section, the term ‘production-cer-  
14          tification related service’ has the meaning given that term  
15          in appendix C of part 187 of title 14, Code of Federal  
16          Regulations.”.

17       **SEC. 716. TECHNICAL CORRECTIONS TO CIVIL PENALTY**  
18               **PROVISIONS.**

19          Section 46301 is amended—

20               (1) in subsection (a)(1)(A) by striking “46302,  
21               46303, or”;

22               (2) in subsection (d)(7)(A) by striking “an indi-  
23               vidual” the first place it appears and inserting “a  
24               person”; and

1 (3) in subsection (g) by inserting “or the Ad-  
2 ministrator” after “Secretary”.

3 **SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY**  
4 **ACT.**

5 (a) **WAIVERS FOR AIRCRAFT NOT COMPLYING WITH**  
6 **STAGE 3 NOISE LEVELS.**—Section 47528(b)(1) is amend-  
7 ed in the first sentence by inserting “or foreign air car-  
8 rier” after “air carrier”.

9 (b) **EXEMPTION FOR AIRCRAFT MODIFICATION OR**  
10 **DISPOSAL.**—Section 47528 is amended—

11 (1) in subsection (a) by inserting “or (f)” after  
12 “(b)”;

13 (2) by adding at the end the following:

14 “(f) **AIRCRAFT MODIFICATION OR DISPOSAL.**—After  
15 December 31, 1999, the Secretary may provide a proce-  
16 dure under which a person may operate a stage 1 or stage  
17 2 aircraft in nonrevenue service to or from an airport in  
18 the United States in order to—

19 “(1) sell the aircraft outside the United States;

20 “(2) sell the aircraft for scrapping; or

21 “(3) obtain modifications to the aircraft to meet  
22 stage 3 noise levels.”.

23 (c) **LIMITED OPERATION OF CERTAIN AIRCRAFT.**—  
24 Section 47528(e) is amended by adding at the end the  
25 following:

1 “(4) An air carrier operating stage 2 aircraft under  
2 this subsection may operate stage 2 aircraft to or from  
3 the 48 contiguous States on a nonrevenue basis in order  
4 to—

5 “(A) perform maintenance (including major al-  
6 terations) or preventative maintenance on aircraft  
7 operated, or to be operated, within the limitations of  
8 paragraph (2)(B); or

9 “(B) conduct operations within the limitations  
10 of paragraph (2)(B).”.

11 **SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHOR-**  
12 **ITY.**

13 (a) EXTENSION OF APPLICATION APPROVALS.—Sec-  
14 tion 49108 is amended by striking “2001” and inserting  
15 “2004”.

16 (b) ELIMINATION OF DEADLINE FOR APPOINTMENT  
17 OF MEMBERS TO BOARD OF DIRECTORS.—Section  
18 49106(c)(6) is amended by striking subparagraph (C) and  
19 by redesignating subparagraph (D) as subparagraph (C).

20 **SEC. 719. ACQUISITION MANAGEMENT SYSTEM.**

21 Section 348 of the Department of Transportation and  
22 Related Agencies Appropriations Act, 1996 (49 U.S.C.  
23 106 note; 109 Stat. 460) is amended by striking sub-  
24 section (c) and inserting the following:

1       “(c) CONTRACTS EXTENDING INTO A SUBSEQUENT  
2 FISCAL YEAR.—Notwithstanding subsection (b)(3), the  
3 Administrator may enter into contracts for procurement  
4 of severable services that begin in one fiscal year and end  
5 in another if (without regard to any option to extend the  
6 period of the contract) the contract period does not exceed  
7 1 year.”.

8 **SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.**

9       (a) MEMBERSHIP.—

10           (1) APPOINTMENT.—Section 4(a)(5) of the  
11 Centennial of Flight Commemoration Act (36 U.S.C.  
12 143 note; 112 Stat. 3487) is amended by inserting  
13 “, or his designee,” after “prominence”.

14           (2) STATUS.—Section 4 of such Act (112 Stat.  
15 3487) is amended by adding at the end the fol-  
16 lowing:

17       “(g) STATUS.—The members of the Commission de-  
18 scribed in paragraphs (1), (3), (4), and (5) of subsection  
19 (a) shall not be considered to be officers or employees of  
20 the United States.”.

21       (b) DUTIES.—Section 5(a)(7) of such Act (112 Stat.  
22 3488) is amended to read as follows:

23           “(7) as a nonprimary purpose, publish popular  
24 and scholarly works related to the history of aviation

1 or the anniversary of the centennial of powered  
2 flight.”.

3 (c) CONFLICTS OF INTEREST.—Section 6 of such Act  
4 (112 Stat. 3488–3489) is amended by adding at the end  
5 the following:

6 “(e) CONFLICTS OF INTEREST.—At its second busi-  
7 ness meeting, the Commission shall adopt a policy to pro-  
8 tect against possible conflicts of interest involving its  
9 members and employees. The Commission shall consult  
10 with the Office of Government Ethics in the development  
11 of such a policy and shall recognize the status accorded  
12 its members under section 4(g).”.

13 (d) EXECUTIVE DIRECTOR.—The first sentence of  
14 section 7(a) of such Act (112 Stat. 3489) is amended by  
15 striking the period at the end and inserting the following:  
16 “or represented on the First Flight Centennial Advisory  
17 Board under subparagraphs (A) through (E) of section  
18 12(b)(1).”.

19 (e) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,  
20 SEALS, AND MARKS.—

21 (1) USE OF FUNDS.—Section 9(d) of such Act  
22 (112 Stat. 3490) is amended by striking the period  
23 at the end and inserting the following: “, except that  
24 the Commission may transfer any portion of such  
25 funds that is in excess of the funds necessary to

1 carry out such duties to any Federal agency or the  
2 National Air and Space Museum of the Smithsonian  
3 Institution to be used for the sole purpose of com-  
4 memorating the history of aviation or the centennial  
5 of powered flight.”.

6 (2) DUTIES TO BE CARRIED OUT BY ADMINIS-  
7 TRATOR OF NASA.—Section 9 of such Act (112 Stat.  
8 3490) is amended by adding at the end the fol-  
9 lowing:

10 “(f) DUTIES TO BE CARRIED OUT BY ADMINIS-  
11 TRATOR OF NASA.—The duties of the Commission under  
12 this section shall be carried out by the Administrator of  
13 the National Aeronautics and Space Administration, in  
14 consultation with the Commission.”.

15 **SEC. 721. AIRCRAFT SITUATIONAL DISPLAY DATA.**

16 (a) IN GENERAL.—A memorandum of agreement be-  
17 tween the Administrator and any person that directly ob-  
18 tains aircraft situational display data from the Federal  
19 Aviation Administration shall require that—

20 (1) the person demonstrate to the satisfaction  
21 of the Administrator that such person is capable of  
22 selectively blocking the display of any aircraft-situa-  
23 tion-display-to-industry derived data related to any  
24 identified aircraft registration number; and

1           (2) the person agree to block selectively the air-  
2       craft registration numbers of any aircraft owner or  
3       operator upon the Administration's request.

4       (b) EXISTING MEMORANDA TO BE CONFORMED.—  
5       The Administrator shall conform any memoranda of  
6       agreement, in effect on the date of the enactment of this  
7       Act, between the Administration and a person under which  
8       that person obtains aircraft situational display data to in-  
9       corporate the requirements of subsection (a) within 30  
10      days after that date.

11   **SEC. 722. ELIMINATION OF BACKLOG OF EQUAL EMPLOY-**  
12                           **MENT OPPORTUNITY COMPLAINTS.**

13      (a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal  
14      year 2000, the Secretary of Transportation may hire or  
15      contract for such additional personnel as may be necessary  
16      to eliminate the backlog of pending equal employment op-  
17      portunity complaints to the Department of Transportation  
18      and to ensure that investigations of complaints are com-  
19      pleted not later than 180 days after the date of initiation  
20      of the investigation.

21      (b) FUNDING.—Of the amounts appropriated pursu-  
22      ant to section 106(k) of title 49, United States Code, for  
23      fiscal year 2000, \$2,000,000 may be used to carry out  
24      this section.



1 **SEC. 723. NEWPORT NEWS, VIRGINIA.**

2 (a) AUTHORITY TO GRANT WAIVERS.—Notwith-  
3 standing section 16 of the Federal Airport Act (as in ef-  
4 fect on May 14, 1947) or section 47125 of title 49, United  
5 States Code, the Secretary shall, subject to section 47153  
6 of such title (as in effect on June 1, 1998), and subsection  
7 (b) of this section, waive with respect to airport property  
8 parcels that, according to the Federal Aviation Adminis-  
9 tration approved airport layout plan for Newport News/  
10 Williamsburg International Airport, are no longer required  
11 for airport purposes from any term contained in the deed  
12 of conveyance dated May 14, 1947, under which the  
13 United States conveyed such property to the Peninsula  
14 Airport Commission for airport purposes of the Commis-  
15 sion.

16 (b) CONDITIONS.—Any waiver granted by the Sec-  
17 retary under subsection (a) shall be subject to the fol-  
18 lowing conditions:

19 (1) The Peninsula Airport Commission shall  
20 agree that, in leasing or conveying any interest in  
21 the property with respect to which waivers are  
22 granted under subsection (a), the Commission will  
23 receive an amount that is equal to the fair lease  
24 value or the fair market value, as the case may be  
25 (as determined pursuant to regulations issued by the  
26 Secretary).

1           (2) Peninsula Airport Commission shall use any  
2           amount so received only for the development, im-  
3           provement, operation, or maintenance of Newport  
4           News/Williamsburg International Airport.

5 **SEC. 724. GRANT OF EASEMENT, LOS ANGELES, CALI-**  
6 **FORNIA.**

7           The City of Los Angeles Department of Airports may  
8           grant an easement to the California Department of Trans-  
9           portation to lands required to provide sufficient right-of-  
10          way to facilitate the construction of the California State  
11          Route 138 bypass, as proposed by the California Depart-  
12          ment of Transportation.

13 **SEC. 725. REGULATION OF ALASKA GUIDE PILOTS.**

14          (a) IN GENERAL.—Beginning on the date of the en-  
15          actment of this Act, flight operations conducted by Alaska  
16          guide pilots shall be regulated under the general operating  
17          and flight rules contained in part 91 of title 14, Code of  
18          Federal Regulations.

19          (b) RULEMAKING PROCEEDING.—

20                 (1) IN GENERAL.—The Administrator shall con-  
21          duct a rulemaking proceeding and issue a final rule  
22          to modify the general operating and flight rules re-  
23          ferred to in subsection (a) by establishing special  
24          rules applicable to the flight operations conducted by  
25          Alaska guide pilots.

1           (2) CONTENTS OF RULES.—A final rule issued  
2       by the Administrator under paragraph (1) shall re-  
3       quire Alaska guide pilots—

4           (A) to operate aircraft inspected no less  
5       often than after 125 hours of flight time;

6           (B) to participate in an annual flight re-  
7       view, as described in section 61.56 of title 14,  
8       Code of Federal Regulations;

9           (C) to have at least 500 hours of flight  
10      time as a pilot;

11          (D) to have a commercial rating, as de-  
12      scribed subpart F of part 61 of such title;

13          (E) to hold at least a second-class medical  
14      certificate, as described in subpart C of part 67  
15      of such title;

16          (F) to hold a current letter of authoriza-  
17      tion issued by the Administrator; and

18          (G) to take such other actions as the Ad-  
19      ministrator determines necessary for safety.

20      (c) DEFINITIONS.—In this section, the following defi-  
21      nitions apply:

22          (1) LETTER OF AUTHORIZATION.—The term  
23      “letter of authorization” means a letter issued by  
24      the Administrator once every 5 years to an Alaska  
25      guide pilot certifying that the pilot is in compliance

1 with general operating and flight rules applicable to  
2 the pilot. In the case of a multi-pilot operation, at  
3 the election of the operating entity, a letter of au-  
4 thorization may be issued by the Administrator to  
5 the entity or to each Alaska guide pilot employed by  
6 the entity.

7 (2) ALASKA GUIDE PILOT.—The term “Alaska  
8 guide pilot” means a pilot who—

9 (A) conducts aircraft operations over or  
10 within the State of Alaska;

11 (B) operates single engine, fixed wing air-  
12 craft on floats, wheels, or skis, providing com-  
13 mercial hunting, fishing, or other guide services  
14 and related accommodations in the form of  
15 camps or lodges; and

16 (C) transports clients by such aircraft inci-  
17 dental to hunting, fishing, or other guide serv-  
18 ices, or uses air transport to enable guided cli-  
19 ents to reach hunting or fishing locations.

20 **SEC. 726. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY**  
21 **PANEL.**

22 (a) ESTABLISHMENT OF PANEL.—The Secretary of  
23 Transportation—

24 (1) shall establish an Aircraft Repair and Main-  
25 tenance Advisory Panel to review issues related to

1 the use and oversight of aircraft and aviation com-  
2 ponent repair and maintenance facilities (in this sec-  
3 tion referred to as “aircraft repair facilities”) lo-  
4 cated within, or outside of, the United States; and

5 (2) may seek the advice of the panel on any  
6 issue related to methods to increase safety by im-  
7 proving the oversight of aircraft repair facilities.

8 (b) MEMBERSHIP.—The panel shall consist of—

9 (1) nine members appointed by the Secretary as  
10 follows:

11 (A) three representatives of labor organiza-  
12 tions representing aviation mechanics;

13 (B) one representative of cargo air car-  
14 riers;

15 (C) one representative of passenger air  
16 carriers;

17 (D) one representative of aircraft repair  
18 facilities;

19 (E) one representative of aircraft manufac-  
20 turers;

21 (F) one representative of on-demand pas-  
22 senger air carriers and corporate aircraft oper-  
23 ations; and

24 (G) one representative of regional pas-  
25 senger air carriers;

1           (2) one representative from the Department of  
2 Commerce, designated by the Secretary of Com-  
3 merce;

4           (3) one representative from the Department of  
5 State, designated by the Secretary of State; and

6           (4) one representative from the Federal Avia-  
7 tion Administration, designated by the Adminis-  
8 trator.

9       (c) RESPONSIBILITIES.—The panel shall—

10           (1) determine the amount and type of work  
11 that is being performed by aircraft repair facilities  
12 located within, and outside of, the United States;  
13 and

14           (2) provide advice and counsel to the Secretary  
15 with respect to the aircraft and aviation component  
16 repair work performed by aircraft repair facilities  
17 and air carriers, staffing needs, and any balance of  
18 trade or safety issues associated with that work.

19       (d) DOT TO REQUEST INFORMATION FROM AIR  
20 CARRIERS AND REPAIR FACILITIES.—

21           (1) COLLECTION OF INFORMATION.—The Sec-  
22 retary, by regulation, shall require air carriers, for-  
23 eign air carriers, domestic repair facilities, and for-  
24 eign repair facilities to submit such information as  
25 the Secretary may require in order to assess balance

1 of trade and safety issues with respect to work per-  
2 formed on aircraft used by air carriers, foreign air  
3 carriers, United States corporate operators, and for-  
4 eign corporate operators.

5 (2) DRUG AND ALCOHOL TESTING INFORMA-  
6 TION.—Included in the information the Secretary re-  
7 quires under paragraph (1) shall be information on  
8 the existence and administration of employee drug  
9 and alcohol testing programs in place at the foreign  
10 repair facilities, if applicable. The Secretary, if nec-  
11 essary, shall work with the International Civil Avia-  
12 tion Organization to increase the number and im-  
13 prove the administration of employee drug and alco-  
14 hol testing programs at the foreign repair facilities.

15 (3) DESCRIPTION OF WORK DONE.—Included in  
16 the information the Secretary requires under para-  
17 graph (1) shall be information on the amount and  
18 type of work performed on aircraft registered in and  
19 outside of the United States.

20 (e) DOT TO FACILITATE COLLECTION OF INFORMA-  
21 TION ABOUT AIRCRAFT MAINTENANCE.—The Secretary  
22 shall facilitate the collection of information from the Na-  
23 tional Transportation Safety Board, the Federal Aviation  
24 Administration, and other appropriate agencies regarding  
25 maintenance performed by aircraft repair facilities.

1       (f) DOT TO MAKE INFORMATION AVAILABLE TO  
2 PUBLIC.—The Secretary shall make any relevant informa-  
3 tion received under subsection (c) available to the public,  
4 consistent with the authority to withhold trade secrets or  
5 commercial, financial, and other proprietary information  
6 under section 552 of title 5, United States Code.

7       (g) TERMINATION.—The panel established under  
8 subsection (a) shall terminate on the earlier of—

9           (1) the date that is 2 years after the date of the  
10 enactment of this Act; or

11           (2) December 31, 2001.

12       (h) DEFINITIONS.—The definitions contained in sec-  
13 tion 40102 of title 49, United States Code, shall apply  
14 to this section.

15 **SEC. 727. OPERATIONS OF AIR TAXI INDUSTRY.**

16       (a) STUDY.—The Administrator, in consultation with  
17 the National Transportation Safety Board and other in-  
18 terested persons, shall conduct a study of air taxi opera-  
19 tors regulated under part 135 of title 14, Code of Federal  
20 Regulations.

21       (b) CONTENTS.—The study shall include an analysis  
22 of the size and type of the aircraft fleet, relevant aircraft  
23 equipment, hours flown, utilization rates, safety record by  
24 various categories of use and aircraft type, sales revenues,  
25 and airports served by the air taxi fleet.



1 (c) REPORT.—Not later than 1 year after the date  
2 of the enactment of this Act, the Administrator shall  
3 transmit to Congress a report on the results of the study.

4 **SEC. 728. SENSE OF THE CONGRESS CONCERNING COMPLE-**  
5 **TION OF COMPREHENSIVE NATIONAL AIR-**  
6 **SPACE REDESIGN.**

7 It is the sense of the Congress that, as soon as is  
8 practicable, the Administrator should complete and begin  
9 implementation of the comprehensive national airspace re-  
10 design that is being conducted by the Administrator.

11 **SEC. 729. COMPLIANCE WITH REQUIREMENTS.**

12 Notwithstanding any other provision of law, in order  
13 to avoid unnecessary duplication of expense and effort, the  
14 Secretary of Transportation may authorize the use, in  
15 whole or in part, of a completed environmental assessment  
16 or environmental impact study for new construction  
17 projects on the air operations area of an airport, if the  
18 completed assessment or study was for a project at the  
19 airport that is substantially similar in nature to the new  
20 project. Any such authorized use shall meet all require-  
21 ments of Federal law for the completion of such an assess-  
22 ment or study.

23 **SEC. 730. AIRCRAFT NOISE LEVELS AT AIRPORTS.**

24 (a) DEVELOPMENT OF NEW STANDARDS.—The Sec-  
25 retary of Transportation shall continue to work to develop

1 a new standard for aircraft and aircraft engines that will  
2 lead to a further reduction in aircraft noise levels.

3 (b) REPORT.—Not later than March 1, 2000, and an-  
4 nually thereafter, the Secretary shall transmit to Congress  
5 a report regarding the application of new standards or  
6 technologies to reduce aircraft noise levels.

7 **SEC. 731. FAA CONSIDERATION OF CERTAIN STATE PRO-**  
8 **POSALS.**

9 The Administrator is encouraged to consider any pro-  
10 posal with a regional consensus submitted by a State avia-  
11 tion authority regarding the expansion of existing airport  
12 facilities or the introduction of new airport facilities.

13 **SEC. 732. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.**

14 (a) APPROVAL OF SALE.—To maintain the efficient  
15 utilization of airports in the high-growth Cincinnati local  
16 airport system, and to ensure that the Cincinnati-Munic-  
17 ipal Blue Ash Airport continues to operate to relieve con-  
18 gestion at Cincinnati-Northern Kentucky International  
19 Airport and to provide greater access to the general avia-  
20 tion community beyond the expiration of the City of Cin-  
21 cinnati's grant obligations, the Secretary of Transpor-  
22 tation may approve the sale of Cincinnati-Municipal Blue  
23 Ash Airport from the City of Cincinnati to the City of  
24 Blue Ash upon a finding that the City of Blue Ash meets  
25 all applicable requirements for sponsorship and if the City

1 of Blue Ash agrees to continue to maintain and operate  
 2 Blue Ash Airport, as generally contemplated and described  
 3 within the Blue Ash Master Plan Update dated November  
 4 30, 1998, for a period of 20 years from the date existing  
 5 grant assurance obligations of the City of Cincinnati ex-  
 6 pire.

7 (b) TREATMENT OF PROCEEDS FROM SALE.—The  
 8 proceeds from the sale approved under subsection (a) shall  
 9 not be considered to be airport revenue for purposes of  
 10 section 47107 and 47133 of title 49, United States Code,  
 11 grant obligations of the City of Cincinnati, or regulations  
 12 and policies of the Federal Aviation Administration.

13 **SEC. 733. AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RE-**  
 14 **SPONDING TO OIL SPILLS.**

15 (a) AUTHORITY TO SELL.—

16 (1) IN GENERAL.—Notwithstanding section 202  
 17 of the Federal Property and Administrative Services  
 18 Act of 1949 (40 U.S.C. 483) and subject to sub-  
 19 sections (b) and (c), the Secretary of Defense may,  
 20 during the period beginning June 15, 1999, and  
 21 ending September 30, 2002, sell aircraft and air-  
 22 craft parts referred to in paragraph (2) to a person  
 23 or governmental entity that contracts to deliver oil  
 24 dispersants by air in order to disperse oil spills, and  
 25 that has been approved by the Secretary of the De-

1       partment in which the Coast Guard is operating for  
2       the delivery of oil dispersants by air in order to dis-  
3       perse oil spills.

4               (2) COVERED AIRCRAFT AND AIRCRAFT  
5       PARTS.—The aircraft and aircraft parts that may be  
6       sold under paragraph (1) are aircraft and aircraft  
7       parts of the Department of Defense that are deter-  
8       mined by the Secretary of Defense to be—

9                       (A) excess to the needs of the Department;

10                      (B) acceptable for commercial sale; and

11                      (C) with respect to aircraft, 10 years old  
12       or older.

13       (b) CONDITIONS OF SALE.—Aircraft and aircraft  
14       parts sold under subsection (a)—

15               (1) may be used only for oil spill spotting, ob-  
16       servation, and dispersant delivery; and

17               (2) may not be flown outside of or removed  
18       from the United States, except for the purpose of  
19       fulfilling an international agreement to assist in oil  
20       spill dispersing efforts or for other purposes that are  
21       jointly approved by the Secretary of Defense and the  
22       Secretary of Transportation.

23       (c) CERTIFICATION OF PERSONS AND ENTITIES.—  
24       The Secretary of Defense may sell aircraft and aircraft  
25       parts to a person or governmental entity under subsection

1 (a) only if the Secretary of Transportation certifies to the  
2 Secretary of Defense, in writing, before the sale, that the  
3 person or governmental entity is capable of meeting the  
4 terms and conditions of a contract to deliver oil spill  
5 dispersants by air.

6 (d) REGULATIONS.—

7 (1) IN GENERAL.—As soon as practicable after  
8 the date of the enactment of this Act, the Secretary  
9 of Defense, in consultation with the Secretary of  
10 Transportation and the Administrator of General  
11 Services, shall issue regulations relating to the sale  
12 of aircraft and aircraft parts under this section.

13 (2) CONTENTS.—The regulations shall—

14 (A) ensure that the sale of the aircraft and  
15 aircraft parts is made at a fair market value as  
16 determined by the Secretary of Defense, and, to  
17 the extent practicable, on a competitive basis;

18 (B) require a certification by the purchaser  
19 that the aircraft and aircraft parts will be used  
20 in accordance with the conditions set forth in  
21 subsection (b);

22 (C) establish appropriate means of  
23 verifying and enforcing the use of the aircraft  
24 and aircraft parts by the purchaser and other  
25 users in accordance with the conditions set

1           forth in subsection (b) or pursuant to sub-  
2           section (e); and

3                   (D) ensure, to the maximum extent prac-  
4           ticable, that the Secretary of Defense consults  
5           with the Administrator of General Services and  
6           with the heads of other appropriate depart-  
7           ments and agencies of the Federal Government  
8           regarding alternative uses for such aircraft and  
9           aircraft parts before the sale of such aircraft  
10          and aircraft parts under this section.

11       (e) **ADDITIONAL TERMS AND CONDITIONS.**—The  
12       Secretary of Defense may require such other terms and  
13       conditions in connection with each sale of aircraft and air-  
14       craft parts under this section as the Secretary of Defense  
15       considers appropriate for such sale. Such terms and condi-  
16       tions shall meet the requirements of regulations issued  
17       under subsection (d).

18       (f) **REPORT.**—Not later than March 31, 2002, the  
19       Secretary of Defense shall submit to the Committee on  
20       Armed Services and the Committee on Commerce,  
21       Science, and Transportation of the Senate and the Com-  
22       mittee on Armed Services and the Committee on Trans-  
23       portation and Infrastructure of the House of Representa-  
24       tives a report on the Secretary of Defense's exercise of  
25       authority under this section. The report shall set forth—

1           (1) the number and types of aircraft sold under  
2           this section, and the terms and conditions under  
3           which the aircraft were sold;

4           (2) the persons or entities to which the aircraft  
5           were sold; and

6           (3) an accounting of the current use of the air-  
7           craft sold.

8           (g) CONSTRUCTION.—Nothing in this section may be  
9           construed as affecting the authority of the Administrator  
10          of the Federal Aviation Administration under any other  
11          provision of law.

12          (h) PROCEEDS FROM SALE.—The net proceeds of  
13          any amounts received by the Secretary of Defense from  
14          the sale of aircraft and aircraft parts under this section  
15          shall be deposited into the general fund of the Treasury  
16          as miscellaneous receipts.

17       **SEC. 734. DISCRIMINATORY PRACTICES BY COMPUTER RES-**  
18                               **ERVATIONS SYSTEMS OUTSIDE THE UNITED**  
19                               **STATES.**

20          (a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY  
21          FOREIGN CRS SYSTEMS.—Section 41310 is amended by  
22          adding at the end the following:

23               “(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY  
24          BY FOREIGN CRS SYSTEMS.—The Secretary of Transpor-  
25          tation may take such actions as the Secretary considers

1 are in the public interest to eliminate an activity of a for-  
2 eign air carrier that owns or markets a computer reserva-  
3 tions system, or of a computer reservations system firm  
4 whose principal offices are located outside the United  
5 States, when the Secretary, on the initiative of the Sec-  
6 retary or on complaint, decides that the activity, with re-  
7 spect to airline service—

8           “(1) is an unjustifiable or unreasonable dis-  
9 criminatory, predatory, or anticompetitive practice  
10 against a computer reservations system firm whose  
11 principal offices are located inside the United States;  
12 or

13           “(2) imposes an unjustifiable or unreasonable  
14 restriction on access of such a computer reservations  
15 system to a foreign market.”.

16 (b) COMPLAINTS BY CRS FIRMS.—Section 41310 is  
17 amended—

18           (1) in subsection (d)(1)—

19                   (A) by striking “air carrier” in the first  
20 sentence and inserting “air carrier, computer  
21 reservations system firm,”;

22                   (B) by striking “subsection (c)” and in-  
23 serting “subsection (c) or (g)”; and



1 (C) by striking “air carrier” in subpara-  
2 graph (B) and inserting “air carrier or com-  
3 puter reservations system firm”; and

4 (2) in subsection (e)(1) by inserting “or a com-  
5 puter reservations system firm is subject when pro-  
6 viding services with respect to airline service” before  
7 the period at the end of the first sentence.

8 **SEC. 735. ALKALI SILICA REACTIVITY DISTRESS.**

9 (a) IN GENERAL.—The Administrator may make a  
10 grant to, or enter into a cooperative agreement with, a  
11 nonprofit organization for the conduct of a study on the  
12 impact of alkali silica reactivity distress on airport run-  
13 ways and taxiways and the use of lithium salts and other  
14 alternatives for mitigation and prevention of such distress.

15 (b) REPORT.—Not later than 18 months after mak-  
16 ing a grant, or entering into a cooperative agreement,  
17 under subsection (a) the Administrator shall transmit a  
18 report to Congress on the results of the study.

19 **SEC. 736. PROCUREMENT OF PRIVATE ENTERPRISE MAP-**  
20 **PING, CHARTING, AND GEOGRAPHIC INFOR-**  
21 **MATION SYSTEMS.**

22 The Administrator shall consider procuring mapping,  
23 charting, and geographic information systems necessary to  
24 carry out the duties of the Administrator under title 49,  
25 United States Code, from private enterprises, if the Ad-

1   ministrator determines that such procurement furthers  
2   the mission of the Federal Aviation Administration and  
3   is cost effective.

4   **SEC. 737. LAND USE COMPLIANCE REPORT.**

5       Section 47131 is amended—

6           (1) by striking “and” at the end of paragraph  
7       (3);

8           (2) by striking the period at the end of para-  
9       graph (4) and inserting “; and”; and

10          (3) by adding at the end the following:

11           “(5) a detailed statement listing airports that  
12       are not in compliance with grant assurances or other  
13       requirements with respect to airport lands and in-  
14       cluding the circumstances of such noncompliance,  
15       the timelines for corrective action, and the corrective  
16       action the Secretary intends to take to bring the air-  
17       port sponsor into compliance.”.

18   **SEC. 738. NATIONAL TRANSPORTATION DATA CENTER OF**  
19       **EXCELLENCE.**

20       Of the amounts made available pursuant to section  
21   5117(b)(6)(B) of the Transportation Equity Act for the  
22   21st Century (23 U.S.C. 502 note; 112 Stat. 450), not  
23   to exceed \$1,000,000 for each of fiscal years 2000 and  
24   2001 may be made available by the Secretary of Transpor-  
25   tation to establish, at an Army depot that has been closed

1 or realigned, a national transportation data center of ex-  
2 cellence that will—

3 (1) serve as a satellite facility for the central  
4 data repository that is hosted by the computer cen-  
5 ter of the Transportation Administrative Service;  
6 and

7 (2) analyze transportation data collected by the  
8 Federal Government, States, cities, and the trans-  
9 portation industry.

10 **SEC. 739. MONROE REGIONAL AIRPORT LAND CONVEY-**  
11 **ANCE.**

12 The Secretary of Transportation shall waive all terms  
13 contained in the 1949 deed of conveyance under which the  
14 United States conveyed certain property then constituting  
15 Selman Field, Louisiana, to the City of Monroe, Lou-  
16 isiana, subject to the following conditions:

17 (1) The city agrees that in conveying any inter-  
18 est in such property the city will receive an amount  
19 for such interest that is equal to the fair market  
20 value for such interest.

21 (2) The amount received by the city for such  
22 conveyance shall be used by the city—

23 (A) for the development, improvement, op-  
24 eration, or maintenance of a public airport; or

1 (B) for the development or improvement of  
2 the city's airport industrial park co-located with  
3 the Monroe Regional Airport to the extent that  
4 such development or improvement will result in  
5 an increase, over time, in the amount the indus-  
6 trial park will pay to the airport to an amount  
7 that is greater than the amount the city re-  
8 ceived for such conveyance.

9 **SEC. 740. AUTOMATED WEATHER FORECASTING SYSTEMS.**

10 (a) CONTRACT FOR STUDY.—The Administrator  
11 shall contract with the National Academy of Sciences to  
12 conduct a study of the effectiveness of the automated  
13 weather forecasting systems of covered flight service sta-  
14 tions solely with regard to providing safe and reliable air-  
15 port operations.

16 (b) COVERED FLIGHT SERVICE STATIONS.—In this  
17 section, the term “covered flight service station” means  
18 a flight service station where automated weather observa-  
19 tion constitutes the entire observation and no additional  
20 weather information is added by a human weather ob-  
21 server.

22 (c) REPORT.—Not later than 1 year after the date  
23 of the enactment of this Act, the Administrator shall  
24 transmit to the Congress a report on the results of the  
25 study.

1 **SEC. 741. NOISE STUDY OF SKY HARBOR AIRPORT, PHOE-**  
2 **NIX, ARIZONA.**

3 (a) IN GENERAL.—The Administrator of the Federal  
4 Aviation Administration shall conduct a study on recent  
5 changes to the flight patterns of aircraft using Sky Harbor  
6 Airport in Phoenix, Arizona, and the effects of such  
7 changes on the noise contours in the Phoenix, Arizona,  
8 region.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 90 days after  
11 the enactment of this section, the Administrator  
12 shall submit a report to Congress containing the re-  
13 sults of the study conducted under subsection (a)  
14 and recommendations for measures to mitigate air-  
15 craft noise over populated areas in the Phoenix, Ari-  
16 zona, region.

17 (2) AVAILABILITY TO THE PUBLIC.—The Ad-  
18 ministrator shall make the report described in para-  
19 graph (1) available to the public.

20 **SEC. 742. NONMILITARY HELICOPTER NOISE.**

21 (a) IN GENERAL.—The Secretary of Transportation  
22 shall conduct a study—

23 (1) on the effects of nonmilitary helicopter noise  
24 on individuals; and

25 (2) to develop recommendations for the reduc-  
26 tion of the effects of nonmilitary helicopter noise.

1 (b) CONSIDERATION OF VIEWS.—In conducting the  
2 study under this section, the Secretary shall consider the  
3 views of representatives of the helicopter industry and rep-  
4 resentatives of organizations with an interest in reducing  
5 nonmilitary helicopter noise.

6 (c) REPORT.—Not later than 1 year after the date  
7 of the enactment of this Act, the Secretary shall transmit  
8 to Congress a report on the results of the study under  
9 this section.

## 10 **TITLE VIII—NATIONAL PARKS** 11 **AIR TOUR MANAGEMENT**

### 12 **SEC. 801. SHORT TITLE.**

13 This title may be cited as the “National Parks Air  
14 Tour Management Act of 1999”.

### 15 **SEC. 802. FINDINGS.**

16 Congress finds that—

17 (1) the Federal Aviation Administration has  
18 sole authority to control airspace over the United  
19 States;

20 (2) the Federal Aviation Administration has the  
21 authority to preserve, protect, and enhance the envi-  
22 ronment by minimizing, mitigating, or preventing  
23 the adverse effects of aircraft overflights of public  
24 and tribal lands;

1           (3) the National Park Service has the responsi-  
2           bility of conserving the scenery and natural and his-  
3           toric objects and wildlife in national parks and of  
4           providing for the enjoyment of the national parks in  
5           ways that leave the national parks unimpaired for  
6           future generations;

7           (4) the protection of tribal lands from aircraft  
8           overflights is consistent with protecting the public  
9           health and welfare and is essential to the mainte-  
10          nance of the natural and cultural resources of In-  
11          dian tribes;

12          (5) the National Parks Overflights Working  
13          Group, composed of general aviation, commercial air  
14          tour, environmental, and Native American represent-  
15          atives, recommended that the Congress enact legisla-  
16          tion based on the Group's consensus work product;  
17          and

18          (6) this title reflects the recommendations made  
19          by that Group.

20   **SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**  
21                   **PARKS.**

22          (a) IN GENERAL.—Chapter 401 is further amended  
23          by adding at the end the following:

24    **“§ 40126. Overflights of national parks**

25          “(a) IN GENERAL.—

1           “(1) GENERAL REQUIREMENTS.—A commercial  
2       air tour operator may not conduct commercial air  
3       tour operations over a national park (including tribal  
4       lands) except—

5           “(A) in accordance with this section;

6           “(B) in accordance with conditions and  
7       limitations prescribed for that operator by the  
8       Administrator; and

9           “(C) in accordance with any applicable air  
10      tour management plan for the park.

11          “(2) APPLICATION FOR OPERATING AUTHOR-  
12      ITY.—

13          “(A) APPLICATION REQUIRED.—Before  
14      commencing commercial air tour operations  
15      over a national park (including tribal lands), a  
16      commercial air tour operator shall apply to the  
17      Administrator for authority to conduct the op-  
18      erations over the park.

19          “(B) COMPETITIVE BIDDING FOR LIMITED  
20      CAPACITY PARKS.—Whenever an air tour man-  
21      agement plan limits the number of commercial  
22      air tour operations over a national park during  
23      a specified time frame, the Administrator, in  
24      cooperation with the Director, shall issue oper-  
25      ation specifications to commercial air tour oper-



1           ators that conduct such operations. The oper-  
2           ation specifications shall include such terms and  
3           conditions as the Administrator and the Direc-  
4           tor find necessary for management of commer-  
5           cial air tour operations over the park. The Ad-  
6           ministrator, in cooperation with the Director,  
7           shall develop an open competitive process for  
8           evaluating proposals from persons interested in  
9           providing commercial air tour operations over  
10          the park. In making a selection from among  
11          various proposals submitted, the Administrator,  
12          in cooperation with the Director, shall consider  
13          relevant factors, including—

14                 “(i) the safety record of the person  
15                 submitting the proposal or pilots employed  
16                 by the person;

17                 “(ii) any quiet aircraft technology pro-  
18                 posed to be used by the person submitting  
19                 the proposal;

20                 “(iii) the experience of the person sub-  
21                 mitting the proposal with commercial air  
22                 tour operations over other national parks  
23                 or scenic areas;

24                 “(iv) the financial capability of the  
25                 company;

1                   “(v) any training programs for pilots  
2                   provided by the person submitting the pro-  
3                   posal; and

4                   “(vi) responsiveness of the person  
5                   submitting the proposal to any relevant  
6                   criteria developed by the National Park  
7                   Service for the affected park.

8                   “(C) NUMBER OF OPERATIONS AUTHOR-  
9                   IZED.—In determining the number of author-  
10                  izations to issue to provide commercial air tour  
11                  operations over a national park, the Adminis-  
12                  trator, in cooperation with the Director, shall  
13                  take into consideration the provisions of the air  
14                  tour management plan, the number of existing  
15                  commercial air tour operators and current level  
16                  of service and equipment provided by any such  
17                  operators, and the financial viability of each  
18                  commercial air tour operation.

19                  “(D) COOPERATION WITH NPS.—Before  
20                  granting an application under this paragraph,  
21                  the Administrator, in cooperation with the Di-  
22                  rector, shall develop an air tour management  
23                  plan in accordance with subsection (b) and im-  
24                  plement such plan.

25                  “(3) EXCEPTION.—

1           “(A) IN GENERAL.—If a commercial air  
2           tour operator secures a letter of agreement  
3           from the Administrator and the superintendent  
4           for the national park that describes the condi-  
5           tions under which the commercial air tour oper-  
6           ation will be conducted, then notwithstanding  
7           paragraph (1), the commercial air tour operator  
8           may conduct such operations over the national  
9           park under part 91 of title 14, Code of Federal  
10          Regulations, if such activity is permitted under  
11          part 119 of such title.

12          “(B) LIMIT ON EXCEPTIONS.—Not more  
13          than five flights in any 30-day period over a  
14          single national park may be conducted under  
15          this paragraph.

16          “(4) SPECIAL RULE FOR SAFETY REQUIRE-  
17          MENTS.—Notwithstanding subsection (d), an exist-  
18          ing commercial air tour operator shall apply, not  
19          later than 90 days after the date of the enactment  
20          of this section, for operating authority under part  
21          119, 121, or 135 of title 14, Code of Federal Regu-  
22          lations. A new entrant commercial air tour operator  
23          shall apply for such authority before conducting  
24          commercial air tour operations over a national park  
25          (including tribal lands). The Administrator shall act

1 on any such application for a new entrant and issue  
2 a decision on the application not later than 24  
3 months after it is received or amended.

4 “(b) AIR TOUR MANAGEMENT PLANS.—

5 “(1) ESTABLISHMENT.—

6 “(A) IN GENERAL.—The Administrator, in  
7 cooperation with the Director, shall establish an  
8 air tour management plan for any national park  
9 (including tribal lands) for which such a plan is  
10 not in effect whenever a person applies for au-  
11 thority to conduct a commercial air tour oper-  
12 ation over the park. The air tour management  
13 plan shall be developed by means of a public  
14 process in accordance with paragraph (4).

15 “(B) OBJECTIVE.—The objective of any  
16 air tour management plan shall be to develop  
17 acceptable and effective measures to mitigate or  
18 prevent the significant adverse impacts, if any,  
19 of commercial air tours upon the natural and  
20 cultural resources, visitor experiences, and trib-  
21 al lands.

22 “(2) ENVIRONMENTAL DETERMINATION.—In  
23 establishing an air tour management plan under this  
24 subsection, the Administrator and the Director shall  
25 each sign the environmental decision document re-

1       quired by section 102 of the National Environmental  
2       Policy Act of 1969 (42 U.S.C. 4332) (including a  
3       finding of no significant impact, an environmental  
4       assessment, and an environmental impact statement)  
5       and the record of decision for the air tour manage-  
6       ment plan.

7               “(3) CONTENTS.—An air tour management  
8       plan for a national park—

9               “(A) may limit or prohibit commercial air  
10       tour operations;

11              “(B) may establish conditions for the con-  
12       duct of commercial air tour operations, includ-  
13       ing commercial air tour operation routes, max-  
14       imum or minimum altitudes, time-of-day re-  
15       strictions, restrictions for particular events,  
16       maximum number of flights per unit of time,  
17       intrusions on privacy on tribal lands, and miti-  
18       gation of adverse noise, visual, or other im-  
19       pacts;

20              “(C) may apply to all commercial air tour  
21       operations;

22              “(D) shall include incentives (such as pre-  
23       ferred commercial air tour operation routes and  
24       altitudes and relief from flight caps and cur-  
25       fews) for the adoption of quiet aircraft tech-

1 nology by commercial air tour operators con-  
2 ducting commercial air tour operations over the  
3 park;

4 “(E) shall provide a system for allocating  
5 opportunities to conduct commercial air tours if  
6 the air tour management plan includes a limita-  
7 tion on the number of commercial air tour oper-  
8 ations for any time period; and

9 “(F) shall justify and document the need  
10 for measures taken pursuant to subparagraphs  
11 (A) through (E) and include such justifications  
12 in the record of decision.

13 “(4) PROCEDURE.—In establishing an air tour  
14 management plan for a national park (including  
15 tribal lands), the Administrator and the Director  
16 shall—

17 “(A) hold at least one public meeting with  
18 interested parties to develop the air tour man-  
19 agement plan;

20 “(B) publish the proposed plan in the Fed-  
21 eral Register for notice and comment and make  
22 copies of the proposed plan available to the  
23 public;

24 “(C) comply with the regulations set forth  
25 in sections 1501.3 and 1501.5 through 1501.8

1 of title 40, Code of Federal Regulations (for  
2 purposes of complying with the regulations, the  
3 Federal Aviation Administration shall be the  
4 lead agency and the National Park Service is a  
5 cooperating agency); and

6 “(D) solicit the participation of any Indian  
7 tribe whose tribal lands are, or may be,  
8 overflowed by aircraft involved in a commercial  
9 air tour operation over the park, as a cooper-  
10 ating agency under the regulations referred to  
11 in subparagraph (C).

12 “(5) JUDICIAL REVIEW.—An air tour manage-  
13 ment plan developed under this subsection shall be  
14 subject to judicial review.

15 “(6) AMENDMENTS.—The Administrator, in co-  
16 operation with the Director, may make amendments  
17 to an air tour management plan. Any such amend-  
18 ments shall be published in the Federal Register for  
19 notice and comment. A request for amendment of an  
20 air tour management plan shall be made in such  
21 form and manner as the Administrator may pre-  
22 scribe.

23 “(c) DETERMINATION OF COMMERCIAL AIR TOUR  
24 OPERATION STATUS.—In making a determination of

1 whether a flight is a commercial air tour operation, the  
2 Administrator may consider—

3 “(1) whether there was a holding out to the  
4 public of willingness to conduct a sightseeing flight  
5 for compensation or hire;

6 “(2) whether a narrative that referred to areas  
7 or points of interest on the surface below the route  
8 of the flight was provided by the person offering the  
9 flight;

10 “(3) the area of operation;

11 “(4) the frequency of flights conducted by the  
12 person offering the flight;

13 “(5) the route of flight;

14 “(6) the inclusion of sightseeing flights as part  
15 of any travel arrangement package offered by the  
16 person offering the flight;

17 “(7) whether the flight would have been can-  
18 celed based on poor visibility of the surface below  
19 the route of the flight; and

20 “(8) any other factors that the Administrator  
21 considers appropriate.

22 “(d) INTERIM OPERATING AUTHORITY.—

23 “(1) IN GENERAL.—Upon application for oper-  
24 ating authority, the Administrator shall grant in-  
25 terim operating authority under this subsection to a



1 commercial air tour operator for commercial air tour  
2 operations over a national park (including tribal  
3 lands) for which the operator is an existing commer-  
4 cial air tour operator.

5 “(2) REQUIREMENTS AND LIMITATIONS.—In-  
6 terim operating authority granted under this  
7 subsection—

8 “(A) shall provide annual authorization  
9 only for the greater of—

10 “(i) the number of flights used by the  
11 operator to provide such tours within the  
12 12-month period prior to the date of the  
13 enactment of this section; or

14 “(ii) the average number of flights per  
15 12-month period used by the operator to  
16 provide such tours within the 36-month pe-  
17 riod prior to such date of the enactment,  
18 and, for seasonal operations, the number  
19 of flights so used during the season or sea-  
20 sons covered by that 12-month period;

21 “(B) may not provide for an increase in  
22 the number of commercial air tour operations  
23 conducted during any time period by the com-  
24 mercial air tour operator above the number that  
25 the air tour operator was originally granted un-

1 less such an increase is agreed to by the Ad-  
2 ministrator and the Director;

3 “(C) shall be published in the Federal Reg-  
4 ister to provide notice and opportunity for com-  
5 ment;

6 “(D) may be revoked by the Administrator  
7 for cause;

8 “(E) shall terminate 180 days after the  
9 date on which an air tour management plan is  
10 established for the park or the tribal lands;

11 “(F) shall promote protection of national  
12 park resources, visitor experiences, and tribal  
13 lands;

14 “(G) shall promote safe operations of the  
15 commercial air tour;

16 “(H) shall promote the adoption of quiet  
17 technology, as appropriate; and

18 “(I) shall allow for modifications of the op-  
19 eration based on experience if the modification  
20 improves protection of national park resources  
21 and values and of tribal lands.

22 “(e) EXEMPTIONS.—

23 “(1) IN GENERAL.—Except as provided by  
24 paragraph (2), this section shall not apply to—

25 “(A) the Grand Canyon National Park;

1           “(B) tribal lands within or abutting the  
2           Grand Canyon National Park; or

3           “(C) any unit of the National Park System  
4           located in Alaska or any other land or water lo-  
5           cated in Alaska.

6           “(2) EXCEPTION.—This section shall apply to  
7           the Grand Canyon National Park if section 3 of  
8           Public Law 100–91 (16 U.S.C. 1a–1 note; 101 Stat.  
9           674–678) is no longer in effect.

10          “(3) LAKE MEAD.—This section shall not apply  
11          to any air tour operator while flying over or near the  
12          Lake Mead National Recreation Area solely, as a  
13          transportation route, to conduct an air tour over the  
14          Grand Canyon National Park.

15          “(f) DEFINITIONS.—In this section, the following  
16          definitions apply:

17          “(1) COMMERCIAL AIR TOUR OPERATOR.—The  
18          term ‘commercial air tour operator’ means any per-  
19          son who conducts a commercial air tour operation.

20          “(2) EXISTING COMMERCIAL AIR TOUR OPER-  
21          ATOR.—The term ‘existing commercial air tour oper-  
22          ator’ means a commercial air tour operator that was  
23          actively engaged in the business of providing com-  
24          mercial air tour operations over a national park at

1 any time during the 12-month period ending on the  
2 date of the enactment of this section.

3 “(3) NEW ENTRANT COMMERCIAL AIR TOUR  
4 OPERATOR.—The term ‘new entrant commercial air  
5 tour operator’ means a commercial air tour operator  
6 that—

7 “(A) applies for operating authority as a  
8 commercial air tour operator for a national  
9 park; and

10 “(B) has not engaged in the business of  
11 providing commercial air tour operations over  
12 the national park (including tribal lands) in the  
13 12-month period preceding the application.

14 “(4) COMMERCIAL AIR TOUR OPERATION.—The  
15 term ‘commercial air tour operation’ means any  
16 flight, conducted for compensation or hire in a pow-  
17 ered aircraft where a purpose of the flight is sight-  
18 seeing over a national park, within ½ mile outside  
19 the boundary of any national park, or over tribal  
20 lands, during which the aircraft flies—

21 “(A) below a minimum altitude, deter-  
22 mined by the Administrator in cooperation with  
23 the Director, above ground level (except solely  
24 for purposes of takeoff or landing, or necessary  
25 for safe operation of an aircraft as determined

1 under the rules and regulations of the Federal  
2 Aviation Administration requiring the pilot-in-  
3 command to take action to ensure the safe op-  
4 eration of the aircraft); or

5 “(B) less than 1 mile laterally from any  
6 geographic feature within the park (unless more  
7 than 1/2 mile outside the boundary).

8 “(5) NATIONAL PARK.—The term ‘national  
9 park’ means any unit of the National Park System.

10 “(6) TRIBAL LANDS.—The term ‘tribal lands’  
11 means Indian country (as that term is defined in  
12 section 1151 of title 18) that is within or abutting  
13 a national park.

14 “(7) ADMINISTRATOR.—The term ‘Adminis-  
15 trator’ means the Administrator of the Federal Avia-  
16 tion Administration.

17 “(8) DIRECTOR.—The term ‘Director’ means  
18 the Director of the National Park Service.”.

19 (b) CONFORMING AMENDMENT.—The analysis for  
20 chapter 401 is further amended by adding at the end the  
21 following:

“40126. Overflights of national parks.”.

22 **SEC. 804. ADVISORY GROUP.**

23 (a) ESTABLISHMENT.—Not later than 1 year after  
24 the date of the enactment of this Act, the Administrator  
25 and the Director of the National Park Service shall jointly

1 establish an advisory group to provide continuing advice  
2 and counsel with respect to commercial air tour operations  
3 over and near national parks.

4 (b) MEMBERSHIP.—

5 (1) IN GENERAL.—The advisory group shall be  
6 composed of—

7 (A) a balanced group of—

8 (i) representatives of general aviation;

9 (ii) representatives of commercial air  
10 tour operators;

11 (iii) representatives of environmental  
12 concerns; and

13 (iv) representatives of Indian tribes;

14 (B) a representative of the Federal Avia-  
15 tion Administration; and

16 (C) a representative of the National Park  
17 Service.

18 (2) EX OFFICIO MEMBERS.—The Administrator  
19 (or the designee of the Administrator) and the Di-  
20 rector (or the designee of the Director) shall serve  
21 as ex officio members.

22 (3) CHAIRPERSON.—The representative of the  
23 Federal Aviation Administration and the representa-  
24 tive of the National Park Service shall serve alter-  
25 nating 1-year terms as chairman of the advisory

1 group, with the representative of the Federal Avia-  
2 tion Administration serving initially until the end of  
3 the calendar year following the year in which the ad-  
4 visory group is first appointed.

5 (c) DUTIES.—The advisory group shall provide ad-  
6 vice, information, and recommendations to the Adminis-  
7 trator and the Director—

8 (1) on the implementation of this title and the  
9 amendments made by this title;

10 (2) on commonly accepted quiet aircraft tech-  
11 nology for use in commercial air tour operations over  
12 national parks (including tribal lands), which will re-  
13 ceive preferential treatment in a given air tour man-  
14 agement plan;

15 (3) on other measures that might be taken to  
16 accommodate the interests of visitors to national  
17 parks; and

18 (4) at request of the Administrator and the Di-  
19 rector, safety, environmental, and other issues re-  
20 lated to commercial air tour operations over a na-  
21 tional park (including tribal lands).

22 (d) COMPENSATION; SUPPORT; FACA.—

23 (1) COMPENSATION AND TRAVEL.—Members of  
24 the advisory group who are not officers or employees  
25 of the United States, while attending conferences or

1 meetings of the group or otherwise engaged in its  
2 business, or while serving away from their homes or  
3 regular places of business, may be allowed travel ex-  
4 penses, including per diem in lieu of subsistence, as  
5 authorized by section 5703 of title 5, United States  
6 Code, for persons in the Government service em-  
7 ployed intermittently.

8 (2) ADMINISTRATIVE SUPPORT.—The Federal  
9 Aviation Administration and the National Park  
10 Service shall jointly furnish to the advisory group  
11 clerical and other assistance.

12 (3) NONAPPLICATION OF FACA.—Section 14 of  
13 the Federal Advisory Committee Act (5 U.S.C.  
14 App.) does not apply to the advisory group.

15 **SEC. 805. REPORTS.**

16 (a) OVERFLIGHT FEE REPORT.—Not later than 180  
17 days after the date of the enactment of this Act, the Ad-  
18 ministrator shall transmit to Congress a report on the ef-  
19 fects overflight fees are likely to have on the commercial  
20 air tour operation industry. The report shall include, but  
21 shall not be limited to—

22 (1) the viability of a tax credit for the commer-  
23 cial air tour operators equal to the amount of any  
24 overflight fees charged by the National Park Service;  
25 and



1           (2) the financial effects proposed offsets are  
2       likely to have on Federal Aviation Administration  
3       budgets and appropriations.

4       (b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not  
5       later than 2 years after the date of the enactment of this  
6       Act, the Administrator and the Director shall jointly  
7       transmit a report to Congress on the effectiveness of this  
8       title in providing incentives for the development and use  
9       of quiet aircraft technology.

10   **SEC. 806. METHODOLOGIES USED TO ASSESS AIR TOUR**  
11                   **NOISE.**

12       Any methodology adopted by a Federal agency to as-  
13       sess air tour noise in any unit of the national park system  
14       (including the Grand Canyon and Alaska) shall be based  
15       on reasonable scientific methods.

16   **SEC. 807. EXEMPTIONS.**

17       This title shall not apply to—

18           (1) any unit of the National Park System lo-  
19       cated in Alaska; or

20           (2) any other land or water located in Alaska.

21   **SEC. 808. DEFINITIONS.**

22       In this title, the following definitions apply:

23           (1) ADMINISTRATOR.—The term “Adminis-  
24       trator” means the Administrator of the Federal  
25       Aviation Administration.

1           (2) DIRECTOR.—The term “Director” means  
2           the Director of the National Park Service.

3   **TITLE IX—TRUTH IN BUDGETING**

4   **SEC. 901. SHORT TITLE.**

5           This title may be cited as the “Truth in Budgeting  
6   Act”.

7   **SEC. 902. BUDGETARY TREATMENT OF AIRPORT AND AIR-**  
8           **WAY TRUST FUND.**

9           Notwithstanding any other provision of law, the re-  
10   ceipts and disbursements of the Airport and Airway Trust  
11   Fund established by section 9502 of the Internal Revenue  
12   Code of 1986—

13           (1) shall not be counted as new budget author-  
14   ity, outlays, receipts, or deficit or surplus for pur-  
15   poses of—

16           (A) the budget of the United States Gov-  
17   ernment as submitted by the President;

18           (B) the congressional budget (including al-  
19   locations of budget authority and outlays pro-  
20   vided therein); or

21           (C) the Balanced Budget and Emergency  
22   Deficit Control Act of 1985; and

23           (2) shall be exempt from any general budget  
24   limitation imposed by statute on expenditures and

1 net lending (budget outlays) of the United States  
2 Government.

3 **SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT**  
4 **OF AIRPORT AND AIRWAY TRUST FUND.**

5 (a) IN GENERAL.—Subchapter I of chapter 471 is  
6 further amended by adding at the end the following:

7 **“§ 47138. Safeguards against deficit spending**

8 “(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-  
9 IZATIONS AND NET AVIATION RECEIPTS.—Not later than  
10 March 31 of each year, the Secretary of Transportation,  
11 in consultation with the Secretary of the Treasury, shall  
12 estimate—

13 “(1) the amount which would (but for this sec-  
14 tion) be the unfunded aviation authorizations at the  
15 close of the first fiscal year that begins after that  
16 March 31; and

17 “(2) the net aviation receipts to be credited to  
18 the Airport and Airway Trust Fund during the fiscal  
19 year.

20 “(b) PROCEDURE IF EXCESS UNFUNDED AVIATION  
21 AUTHORIZATIONS.—If the Secretary of Transportation  
22 determines for any fiscal year that the amount described  
23 in subsection (a)(1) exceeds the amount described in sub-  
24 section (a)(2), the Secretary shall determine the amount  
25 of such excess.

1       “(c) ADJUSTMENT OF AUTHORIZATIONS IF UN-  
2 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

3               “(1) DETERMINATION OF PERCENTAGE.—If the  
4 Secretary determines that there is an excess referred  
5 to in subsection (b) for a fiscal year, the Secretary  
6 shall determine the percentage which—

7                       “(A) such excess, is of

8                       “(B) the total of the amounts authorized  
9 to be appropriated from the Airport and Airway  
10 Trust Fund for the next fiscal year.

11               “(2) ADJUSTMENT OF AUTHORIZATIONS.—If  
12 the Secretary determines a percentage under para-  
13 graph (1), each amount authorized to be appro-  
14 priated from the Airport and Airway Trust Fund for  
15 the next fiscal year shall be reduced by such percent-  
16 age.

17       “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-  
18 HELD.—

19               “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,  
20 after a reduction has been made under subsection  
21 (c)(2), the Secretary determines that the amount de-  
22 scribed in subsection (a)(1) does not exceed the  
23 amount described in subsection (a)(2) or that the ex-  
24 cess referred to in subsection (b) is less than the  
25 amount previously determined, each amount author-

1        ized to be appropriated that was reduced under sub-  
2        section (c)(2) shall be increased, by an equal per-  
3        centage, to the extent the Secretary determines that  
4        it may be so increased without causing the amount  
5        described in subsection (a)(1) to exceed the amount  
6        described in subsection (a)(2) (but not by more than  
7        the amount of the reduction).

8            “(2) APPORTIONMENT.—The Secretary shall  
9        apportion amounts made available for apportionment  
10       by paragraph (1).

11           “(3) PERIOD OF AVAILABILITY.—Any funds ap-  
12       portioned under paragraph (2) shall remain available  
13       for the period for which they would be available if  
14       such apportionment took effect with the fiscal year  
15       in which they are apportioned under paragraph (2).

16           “(e) REPORTS.—Any estimate under subsection (a)  
17       and any determination under subsection (b), (c), or (d)  
18       shall be reported by the Secretary to Congress.

19           “(f) DEFINITIONS.—For purposes of this section, the  
20       following definitions apply:

21           “(1) NET AVIATION RECEIPTS.—The term ‘net  
22       aviation receipts’ means, with respect to any period,  
23       the excess of—

1           “(A) the receipts (including interest) of the  
2           Airport and Airway Trust Fund during such  
3           period, over

4           “(B) the amounts to be transferred during  
5           such period from the Airport and Airway Trust  
6           Fund under section 9502(d) of the Internal  
7           Revenue Code of 1986 (other than paragraph  
8           (1) thereof).

9           “(2) UNFUNDED AVIATION AUTHORIZATIONS.—  
10          The term ‘unfunded aviation authorization’ means,  
11          at any time, the excess (if any) of—

12           “(A) the total amount authorized to be ap-  
13           propriated from the Airport and Airway Trust  
14           Fund which has not been appropriated, over

15           “(B) the amount available in the Airport  
16           and Airway Trust Fund at such time to make  
17           such appropriation (after all other unliquidated  
18           obligations at such time which are payable from  
19           the Airport and Airway Trust Fund have been  
20           liquidated).”.

21          (b) CONFORMING AMENDMENT.—The analysis for  
22          subchapter I of chapter 471 is further amended by adding  
23          at the end the following:

“47138. Safeguards against deficit spending.”.

1 **SEC. 904. ADJUSTMENTS TO DISCRETIONARY SPENDING**  
2 **LIMITS.**

3 When the President submits the budget under section  
4 1105(a) of title 31, United States Code, for fiscal year  
5 2001, the Director of the Office of Management and  
6 Budget shall, pursuant to section 251(b)(1)(A) of the Bal-  
7 anced Budget and Emergency Deficit Control Act of 1985,  
8 calculate and the budget shall include appropriate reduc-  
9 tions to the discretionary spending limits for each of fiscal  
10 years 2001 and 2002 set forth in section 251(c)(5)(A) and  
11 section 251(c)(6)(A) of that Act (as adjusted under sec-  
12 tion 251 of that Act) to reflect the discretionary baseline  
13 trust fund spending (without any adjustment for inflation)  
14 for the Federal Aviation Administration that is subject to  
15 section 902 of this Act for each of those two fiscal years.

16 **SEC. 905. APPLICABILITY.**

17 This title (including the amendments made by this  
18 Act) shall apply to fiscal years beginning after September  
19 30, 2000.

20 **TITLE X—ADJUSTMENT OF**  
21 **TRUST FUND AUTHORIZATIONS**

22 **SEC. 1001. ADJUSTMENT OF TRUST FUND AUTHORIZA-**  
23 **TIONS.**

24 (a) IN GENERAL.—Part C of subtitle VII is amended  
25 by adding at the end the following:

1    **“CHAPTER 483—ADJUSTMENT OF TRUST**  
 2                   **FUND AUTHORIZATIONS**

“Sec.

“48301. Definitions.

“48302. Adjustments to align aviation authorizations with revenues.

“48303. Adjustment to AIP program funding.

“48304. Estimated aviation income.

3    **“§ 48301. Definitions**

4            “In this chapter, the following definitions apply:

5                   “(1) BASE YEAR.—The term ‘base year’ means  
 6           the second fiscal year before the fiscal year for  
 7           which the calculation is being made.

8                   “(2) AIP PROGRAM.—The term ‘AIP program’  
 9           means the programs for which amounts are made  
 10          available under section 48103.

11                  “(3) AVIATION INCOME.—The term ‘aviation in-  
 12          come’ means the tax receipts credited to the Airport  
 13          and Airway Trust Fund and any interest attrib-  
 14          utable to the Fund.

15   **“§ 48302. Adjustment to align aviation authorizations**  
 16                   **with revenues**

17           “(a) AUTHORIZATION OF APPROPRIATIONS.—Begin-  
 18   ning with fiscal year 2003, if the actual level of aviation  
 19   income for the base year is greater or less than the esti-  
 20   mated aviation income level specified in section 48304 for  
 21   the base year, the amounts authorized to be appropriated  
 22   (or made available) for the fiscal year under each of sec-



1 tions 106(k), 48101, 48102, and 48103 are adjusted as  
2 follows:

3           “(1) If the actual level of aviation income for  
4           the base year is greater than the estimated aviation  
5           income level specified in section 48304 for the base  
6           year, the amount authorized to be appropriated (or  
7           made available) for such section is increased by an  
8           amount determined by multiplying the amount of  
9           the excess by the ratio for such section set forth in  
10          subsection (b).

11          “(2) If the actual level of aviation income for  
12          the base year is less than the estimated aviation in-  
13          come level specified in section 48304 for the base  
14          year, the amount authorized to be appropriated (or  
15          made available) for such section is decreased by an  
16          amount determined by multiplying the amount of  
17          the shortfall by the ratio for such section set forth  
18          in subsection (b).

19          “(b) RATIO.—The ratio referred to in subsection (a)  
20 with respect to section 106(k), 48101, 48102, or 48103,  
21 as the case may be, is the ratio that—

22               “(1) the amount authorized to be appropriated  
23               (or made available) under such section for the fiscal  
24               year; bears to

1           “(2) the total sum of amounts authorized to be  
2           appropriated (or made available) under all of such  
3           sections for the fiscal year.

4           “(c) PRESIDENT’S BUDGET.—When the President  
5           submits a budget for a fiscal year under section 1105 of  
6           title 31, United States Code, the Director of the Office  
7           of Management and Budget shall calculate and the budget  
8           shall report any increase or decrease in authorization lev-  
9           els resulting from this section.

10   **“§ 48303. Adjustment to AIP program funding**

11           “On the effective date of a general appropriations Act  
12           providing appropriations for a fiscal year beginning after  
13           September 30, 2000, for the Federal Aviation Administra-  
14           tion, the amount made available for a fiscal year under  
15           section 48103 shall be increased by the amount, if any,  
16           by which—

17           “(1) the total sum of amounts authorized to be  
18           appropriated under all of sections 106(k), 48101,  
19           and 48102 for such fiscal year, including adjust-  
20           ments made under section 48302; exceeds

21           “(2) the amounts appropriated for programs  
22           funded under such sections for such fiscal year.

23           Any contract authority made available by this section shall  
24           be subject to an obligation limitation.

1 **“§ 48304. Estimated aviation income**

2 “For purposes of section 48302, the estimated avia-  
3 tion income levels are as follows:

4 “(1) \$10,734,000,000 for fiscal year 2001.

5 “(2) \$11,603,000,000 for fiscal year 2002.

6 “(3) \$12,316,000,000 for fiscal year 2003.

7 “(4) \$13,062,000,000 for fiscal year 2004.”.

8 (b) CONFORMING AMENDMENT.—The table of chap-  
9 ters for subtitle VII of such title is amended by inserting  
10 after the item relating to chapter 482 the following:

“483. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS ..... 48301”.

11 **SEC. 1002. BUDGET ESTIMATES.**

12 Upon the enactment of this Act, the Director of the  
13 Office of Management and Budget shall not make any es-  
14 timates under section 252(d) of the Balanced Budget and  
15 Emergency Deficit Control Act of 1985 of changes in di-  
16 rect spending outlays and receipts for any fiscal year re-  
17 sulting from this title and title IX, including the amend-  
18 ments made by such titles.

19 **SEC. 1003. SENSE OF THE CONGRESS ON FULLY OFFSET-**  
20 **TING INCREASED AVIATION SPENDING.**

21 It is the sense of the Congress that—

22 (1) air passengers and other users of the air  
23 transportation system pay aviation taxes into a trust  
24 fund dedicated solely to improve the safety, security,  
25 and efficiency of the aviation system;

1           (2) from fiscal year 2001 to fiscal year 2004,  
2       air passengers and other users will pay more than  
3       \$14.3 billion more in aviation taxes into the Airport  
4       and Airway Trust Fund than the concurrent resolu-  
5       tion on the budget for fiscal year 2000 provides  
6       from such Fund for aviation investment under his-  
7       torical funding patterns;

8           (3) the Aviation Investment and Reform Act for  
9       the 21st Century provides \$14.3 billion of aviation  
10      investment above the levels assumed in that budget  
11      resolution for such fiscal years; and

12          (4) this increased funding will be fully offset by  
13      recapturing unspent aviation taxes and reducing the  
14      \$778 billion general tax cut assumed in that budget  
15      resolution by the appropriate amount.

16 **TITLE XI—EXTENSION OF AIR-**  
17 **PORT AND AIRWAY TRUST**  
18 **FUND EXPENDITURE AU-**  
19 **THORITY**

20 **SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.**

21       (a) IN GENERAL.—Paragraph (1) of section 9502(d)  
22      of the Internal Revenue Code of 1986 (relating to expendi-  
23      tures from Airport and Airway Trust Fund) is amended—

24           (1) by striking “October 1, 1998” and inserting  
25      “October 1, 2004”; and

1           (2) by inserting before the semicolon at the end  
2           of subparagraph (A) the following “or the provisions  
3           of the Omnibus Consolidated and Emergency Sup-  
4           plemental Appropriations Act, 1999 providing for  
5           payments from the Airport and Airway Trust Fund  
6           or the Interim Federal Aviation Administration Au-  
7           thorization Act or section 6002 of the 1999 Emer-  
8           gency Supplemental Appropriations Act or the Avia-  
9           tion Investment and Reform Act for the 21st Cen-  
10          tury”.

11          (b) LIMITATION ON EXPENDITURE AUTHORITY.—  
12          Section 9502 of such Code is amended by adding at the  
13          end the following new subsection:

14          “(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

15                 “(1) IN GENERAL.—Except as provided in para-  
16                 graph (2), no amount may be appropriated or cred-  
17                 ited to the Airport and Airway Trust Fund on and  
18                 after the date of any expenditure from the Airport  
19                 and Airway Trust Fund which is not permitted by  
20                 this section. The determination of whether an ex-  
21                 penditure is so permitted shall be made without re-  
22                 gard to—

23                         “(A) any provision of law which is not con-  
24                         tained or referenced in this title or in a revenue  
25                         Act; and

1           “(B) whether such provision of law is a  
2           subsequently enacted provision or directly or in-  
3           directly seeks to waive the application of this  
4           subsection.

5           “(2) EXCEPTION FOR PRIOR OBLIGATIONS.—  
6           Paragraph (1) shall not apply to any expenditure to  
7           liquidate any contract entered into (or for any  
8           amount otherwise obligated) before October 1, 1999,  
9           in accordance with the provisions of this section.”.

Passed the House of Representatives June 15, 1999.

Attest:

JEFF TRANDAHL,

*Clerk.*